

Radicalisation *at* universities or radicalisation *by* universities?: How a student's use of a library book became a "major Islamist plot"

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Abstract: In May 2008, on the campus of the University of Nottingham, two men of ethnic minority background - a student and an administrator - were arrested and held for six days under the Terrorism Act 2000. Their crime was to have in their possession three documents – all of which were, in fact, available from their own university's library. The police had made their arrests based on erroneous evidence provided by two men: the Registrar of the University of Nottingham and an academic within the institution. Subsequently, despite being made aware of the mistakes it had made, the university not only refused to apologise to the two arrested men but it also began to resort to defensive measures that attempted to discredit the names both of the two accused and of innocent university employees. Untruth piled on untruth until a point was reached where the Home Office itself farcically came to advertise the case as 'a major Islamist plot'. Many lessons can be learnt from what happened at the University of Nottingham. This incident is an indication of the way in which, in the United Kingdom of today, young Muslim men can become so easily tarred with the brush of being 'terrorists'.¹

Keywords: academic freedom, BIS, discrimination, ethnic minority, freedom of speech, Home Office, Muslim, Nottingham, police, radicalisation, student, terrorism, Terrorism Act, university, University of Nottingham.

And if all others accepted the lie which the Party imposed – if all records told the same tale – then the lie passed into history and became truth.

George Orwell, 1984.²

¹ This article could not have come about without the support of my friends in the School of Politics and International Relations at the University of Nottingham. I owe them a lot. I also thank Professor David Miller at the University of Strathclyde for his support and for creating the 'Teaching-About-Terrorism' forum. Georóid Ó Cuinn, a PhD student from the School of Law at the University of Nottingham, also deserves a special mention. I also thank Rizwaan Sabir. The energy he is expending in his desire to see his name cleared is an example to us all.

² George Orwell, 1984 (London: Penguin 2008), p.37.

Life is always simple for the prejudiced. Indeed, the very point about a pre-judgement is that it is a conclusion reached before the complexity of the world is allowed to make any difference. The facts are forced to fit a pre-formed picture.

Giles Fraser, Canon Chancellor of St Paul's Cathedral.³

This is not a normal academic article. It does not pretend to be anything other than a description of events. Nevertheless, I believe (and I apologise for the use of the first person, but it is unavoidable throughout) that this article is important. The story I relate here stems from the arrest of two men on suspicion of terrorist-related offences on the campus of the University of Nottingham in May 2008. Both were released without charge after six days. The events surrounding their arrest may be simply a story, but it is a salutary one: salutary for anyone involved in the teaching, researching or studying of terrorism or its related issues; salutary for anyone involved in the administration of universities or ministries of state; and salutary too for the police and security services.

In writing this article I may be accused of 'bringing my university into disrepute'. My contract of employment warns me against this. I am, though, not bringing my university into disrepute; merely those who run it. There is a difference. As an alumnus myself of the University of Nottingham, I would heartily say that it is a very good university, all things considered. I even took a drop in rank and pay to come back to Nottingham as a lecturer in 2007 – I had been a senior lecturer at King's College London.

I must also establish my *bone fides* in writing this article. I am not a usual suspect in terms of being a 'rabble rouser'. I am not some shrill 'lefty' activist. I am a lecturer in International Security and Terrorism, and I came late to academia having first spent nine years as an ordinary 'squaddie' in a British Army infantry regiment. During my service I spent three years in Northern Ireland in a counter-terrorism role. This included a six-month period in a police station in West Belfast (Springfield Road) operating in an intelligence capacity. I was working there alongside members of the Royal Ulster Constabulary (as it was called then). I slept in the same dormitories as these policemen, ate in their canteen and was constantly in their company. The only time that I ever stepped out of this police station during this entire six months (bar five days leave) was to go out on patrol with these same policemen. Thus I got to know something about counter-terrorism policing above and beyond what any soldier in Northern Ireland would naturally learn. Thus, in writing this article, I at least have some grasp of the issues involved.⁴

I left the army as a sergeant having once been awarded a Queen's Gallantry Medal by the Queen herself. Again, decorated sergeants from British Army infantry regiments who have been involved at the coal-face of counter-terrorism do not normally make good 'rebel' material at universities. Nevertheless, I appear to be such a rebel.

³ Giles Fraser, 'Islamophobia is the moral blind spot of today's Britain', *The Guardian*, 22 January 2011, p.34.

⁴ I have also suffered the results of terrorism. I lost six friends to a bomb in 1998. I am no defender of terrorists.

I feel I have a duty to ‘whistleblow’ against the University of Nottingham. Senior personnel within this university engaged in activity that can be classed as unfair, discriminatory and, sometimes, outright illegal. The university’s own ‘Whistleblowing Code’ confirms my right to raise concerns when, quote, ‘a criminal offence has been committed.’ This has happened at Nottingham and I must therefore bring it to light. I also have a duty under this Code to report when ‘a person has failed to comply with their legal obligations’. This has happened at Nottingham and I must therefore bring it to light. I also have a duty under this Code to report when ‘a miscarriage of justice has occurred’. This has occurred at Nottingham and I must therefore bring it to light.

Moreover, the UNESCO guidelines for universities across the world state that ‘higher education teaching personnel should have the right and opportunity...to criticise the functioning of higher education institutions, including their own’.⁵ I am here making use of this right. Additionally, in the United Kingdom universities are publicly funded bodies and the British public has a right to know, under the Public Interest Disclosure Act 1998, how their institutions are conducting themselves. And, of course, my employer encourages free expression: ‘The University of Nottingham’, it claims, ‘is an open and free arena for debate and dissent...everyone at Nottingham is able to enjoy freedom of speech and expression within the law’. I am here taking advantage of this right. Everything I am saying here is ‘within the law’.⁶

Given all of the above, I feel I have a moral and, indeed, a legal obligation to bring into the public domain the activity I relate here.

This desire to bring to public attention what has happened, and is happening, at the University of Nottingham is not done in a purely negative context. Above all, what I reveal in this article is designed to clear the names of two innocent men. One of these was a student I had a responsibility for: Rizwaan Sabir (a British student of Pakistani descent). Thus in writing this article I am - in the only way I seem to have open to me - continuing to fulfil the duty of care that I am legally obliged to provide to this student.

Back in 2008 Sabir was a master’s student in my department – the School of Politics and International Relations at the University of Nottingham. I was, in my role at that time as the Postgraduate Tutor, responsible for the well-being of all of the postgraduates in the School. If any of them faced problems or difficulties then it was my job to try and help them as best I could.

So to affirm after all this preamble, I am presenting this article from a position, I feel, of some authority and in order to defend my student. My first duty has to be to this student, Rizwaan Sabir, and not to the University of Nottingham.

It might reasonably be asked as to why I am going public with this article. Why am I not raising the issues I relate here with responsible bodies? Well, I have tried very hard up to now to keep all the details of this entire imbroglio in-house. I have stopped stories running in the media, and I have given senior management at the University of Nottingham every chance to carry out their own investigations and to take the necessary actions. Despite the evidence that I have presented to management - evidence which I believe to have been *prima facie* in terms of proving serious malpractice - no action has been taken against anyone internally (apart from myself for raising these issues!). I have

⁵ This UNESCO document guides the behaviour of the world’s universities, *The Status of Higher Education Teaching Personnel*, 1997, Section B, ‘Self-governance and collegiality’.

⁶ University of Nottingham portal statement 23 May 2008.

also gone to outside bodies, which I presumed would have some oversight capacity in regard to UK universities. But none of the bodies I approached would investigate this matter: I wrote to the government minister then responsible for universities; I went to the English universities' funding body, the Higher Education Funding Council for England (HEFCE), and entreaties were made to the Parliamentary Ombudsman - who supposedly oversees the activities of the state's 'public institutions'. They all said, however, that it was not their job to investigate the behaviour of universities. There is, in fact, no oversight of universities in this country (unless they engage in financial impropriety); they are, it would seem, allowed to be completely autonomous and accountable to no-one. In other words, they are laws unto themselves.

This article is long. It needs to be of such length so that enough evidence is presented and enough facts established in order that it can make its case clearly and unequivocally. Evidence presented from a variety of sources and angles must be allowed to coalesce, accrete and harden. And such evidence must be seen in a certain context and against a certain background. Both context and background take time to describe and develop. Some issues that I raise here might, on their own, be seen as excusable behaviour or as a misinterpretation of the facts. However, if viewed with a certain context in mind and against the background supplied by other evidence then such issues come to be seen in a different light – their true light. I wish to leave absolutely no 'wobble-room' whatsoever for anyone who is guilty of malfeasance. And, of course, by presenting so much evidence then the possibility of any litigation can be completely removed. This article is, perforce, also forensic in character, and it therefore does not read well. Additionally, it is repetitive; but it has to be in order that points are continually reinforced and linked to other evidence.

I name names here. Some might find this unethical. But those who work for a UK university work for a publicly funded institution and, as such, they must accept the consequences of so doing. I also use names here because I want to be very clear to whom I am referring, and thus to absolve of any blame those at the University of Nottingham who have behaved honourably. And, since nothing I say here is untrue - it can all be checked against documentary evidence - I am not defaming anyone.

As I say, the concerns I have been raising within the university have led to disciplinary action against myself. My concerns have related both to the arrests of the two men – Sabir and Hicham Yezza (an Algerian national) - and to threats I perceive being made to the principles both of freedom of speech and of academic freedom in the UK. Both have come under some pressure at the University of Nottingham during the general post-arrests fall-out. So far I have attended seven disciplinary hearings of various types (and refused to attend another). I first received an Official Oral Warning, which was later extended to an Official Written Warning. This will be on my record for two years, and I cannot be promoted during this period; i.e. back to my original 2007 rank of senior lecturer. Facing dismissal if I became subject to any more disciplinary action, I kept a lower profile. This, though, did not prevent me from being subject to yet further charges. A case of harassment, for instance, was recently taken out against me by my Head of School (a case presented for him by my own union, the UCU). At the very same time, his superior, the Dean of the School of Social Sciences and a professor colleague in my own School of Politics also made formal complaints against me.⁷ These charges, though, were

⁷ Professor Paul Heywood, Professor Sarah O'Hara and Professor Philip Cowley.

basically rehashes of accusations that I was already ‘serving time’ for, and they resulted not in my dismissal, but rather in the judgment by the Vice-Chancellor that I merely needed, quote, ‘additional mentoring’.⁸ After this, I made one final attempt in February of 2011 to get this Vice-Chancellor to investigate some of the issues I was raising. I was, however, told by him that I was making ‘unwarranted allegations’, and there began yet *more* ‘investigations’ into my behaviour.⁹ My Head of School and the Dean then found even more charges to lay against me. These were, again, mostly ones I had faced before. There were, though, some interesting new ones. I am now charged, for instance, with not providing correct copies of my course reading lists to my School’s Office Manager. These were ‘incorrect’ in that on one occasion I did ‘not add [my] office hours to the front page’; I had also infringed School policy by having ‘more than 12 essays on the module guide’, and I was accused of not submitting my reading lists ‘on the correct template’.¹⁰ All of these disciplinary ‘charges’ were, of course, acts of genuine oversight on my part. I may finally be dismissed, though, if they are, indeed, confirmed to be breaches of discipline.

I relate all this above detail about my disciplinary history in order to provide a flavour of just what sort of a place the University of Nottingham is; how far it will go in trying to silence its recalcitrant employees, and the type of behaviour its senior management can indulge in when left to their own ‘autonomy’.

My issues, however, are as nothing compared to the blight put on the lives of the two men arrested. Their alleged misdemeanours will be on their records for considerably longer than two years. Despite the fact that they were released without charge, they have clearly been ‘tarred’. Two government departments - the Department for Business, Innovation and Skills (BIS - which oversees UK universities) and the Home Office - have both produced documentation that clearly indicates that they look upon these two as being involved, at the very least, in ‘extremist’, if not actual ‘terrorist’, activity. Indeed, and quite incredibly, Sabir and Yezza are erroneously listed in a document disseminated by the Home Office as being part of a ‘major Islamist plot’ in the UK.¹¹ Sabir has also been subject to questioning (and sometimes searches) by police when he has crossed into Europe. When he returned from a holiday in Spain in July 2010 his phone and Blackberry were confiscated by police Special Branch at East Midlands airport. Additionally, on a freezing cold night in February 2010, Sabir was sitting having a cigarette in his car outside his house (his family would not allow him to smoke inside) when he was ‘stopped’ by a passing police patrol (it was one a.m.!). Sabir’s car was then searched. This search was later, in July 2010, admitted by Nottinghamshire Constabulary to have been ‘unlawful’. He has also been randomly stopped by the police several times while driving his car around Nottingham. On one occasion, in the centre of Nottingham, his car was pulled over and searched at a police checkpoint by machine-gun toting officers! And Sabir, of course, cannot even think about visiting the United States. Yezza was not my

⁸ Letter of Vice-Chancellor Professor David Greenaway to author, 1 November 2010. All the emails, letters and notes that follow in this article have been released under Freedom of Information legislation.

⁹ Letter to author from Vice-Chancellor Professional David Greenaway, 11 February 2011.

¹⁰ Contained in letter of complaint made by Professor Paul Heywood, Head of School of Politics, to Registrar, 4 February 2011.

¹¹ Ted Bromund and Morgan Roach, ‘Backgrounder: Islamist terrorism plots in Great Britain: Uncovering the global network’, *The Heritage Foundation*, 26 October 2009. p.13. Made available on the Home Office website.

student and so I will not discuss his case. His later tribulations came about because, after his release on the terrorism charges, he was re-arrested for immigration-related offences - his visa having run out.

Both men - and every shred of evidence points to this being the case - were, and are, completely innocent of any link whatsoever to 'terrorist' activity of any kind. They are not 'extremists'; they have not been 'radicalised' in any way, and they did not 'access' or 'possess' jihadist or extremist literature. They did nothing wrong in the eyes of the law. They were simply caught up in an extraordinary set of circumstances that might be described as laughable if the consequences had not been quite so severe. And, at the heart of their tribulations, there does seem to be something really rather dark; something I would never have believed existed in a modern British university and, indeed, within modern British society.

I have taken inordinate care to get my facts right here. The events described are sourced to either my own experiences (with corroborating written evidence) or to material - emails, notes, reports, etc - that have (so far) been made public under Freedom of Information (FoI) and Data Protection Act (DPA) legislation. Much, though, has been hidden by the University of Nottingham, by the BIS and by the Home Office. Both Rizwaan Sabir and myself have been arguing that the university does not have the right to continue to keep certain material secret - including our own personal data and reports written specifically about us. It is clear, despite the fact that the University of Nottingham boasts it 'is committed to high standards of openness and accountability and conducts its affairs with due regard to probity' that this is not the case.¹² For instance, when the body AcademicFOI.Com asked all universities in the country for information on 'Workplace Bullying and Harassment' cases the University of Nottingham was the only Russell Group university - and one of only nine universities out of a total of 145 - not to return any data. The university cited 'privacy concerns' as its reason.¹³ The University of Nottingham is a university actually characterised by secrecy, rather than by openness.

What is described in the following pages is a story that unequivocally points to the unfair and discriminatory treatment of two young Muslim men. It is a story of how the innocent possession of a document that was freely available as a library book can lead to the supposition (if not actual belief) that the two were part of this 'major Islamist plot'. This is the story of mistakes, of oversights, of extraordinarily malevolent behaviour and of displays of stupidity quite biblical in scope and scale. And such behaviour was evident across the whole rank spectrum: from the very bottom rungs of university management all the way up to government ministers. This story also brings to light what appears to be outright illegal behaviour by senior management in the University of Nottingham. This university did not provide the duty of care to Rizwaan Sabir and to Hicham Yezza that it was obliged to do according to both English Common Law and, of course, the University of Nottingham's own statutes. And individuals within the senior management of this university went on, moreover, to break the law in other areas as well.

Given the behaviour of a number of staff within the University of Nottingham, it would in fact be no surprise if the university itself had been acting as a 'radicalising' agent. The radicalisation of young Muslim men in this country is a process which a host

¹² University of Nottingham, 'Whistleblowing Code'.

¹³ 'Workplace Bullying and Harassment' survey, AcademicFOI.Com at <http://www.academicfoi.com/bullyingharassmentindex.htm> accessed 12 January 2011.

of government agencies in this country are supposedly trying to thwart. And since radicalisation is most often generated by a feeling – however misplaced – of unfair treatment then the (clearly) unfair treatment meted out to Sabir and Yezza by the University of Nottingham can be seen as being, in and of itself, a radicalising act. It would be no surprise, therefore, if not only the two men directly affected, but also their friends and other Muslim students within and beyond the University of Nottingham, came to be ‘radicalised’ by the sense of grievance generated by this institution’s behaviour. Universities in the United Kingdom are supposed to be acting *against* agents of radicalisation on their campuses - they are not *themselves* supposed to be the radicalising agents.

This article, as I say, is also concerned with bringing to light the ways in which today’s British universities - subject, as they seem to be, to little or no oversight - can insidiously introduce control mechanisms that both challenge the principle of academic freedom and which, furthermore, seek to hide acts of malfeasance. The University of Nottingham seems to have been completely unabashed in the way it has gone about defending its corporate image and in maintaining ‘discipline’ among its staff.

This article additionally provides for a remarkable case study of ‘groupthink’. Bad enough in itself, but what occurred at Nottingham can properly be described as a particularly malign variant of this phenomenon. It seems that in the United Kingdom of today, when important and influential actors across a range of institutions - university, security agencies and government departments - are presented with a set of facts in relation to young Muslim men then those facts have to be shoehorned – however bizarrely and however unfairly – into conforming to a certain orthodoxy.

The arrests on campus

In the late afternoon of Monday, 12 May 2008, the University of Nottingham’s senior administrative officer, the Registrar, Dr Paul Greatrix, was told by members of staff in the School of Modern Languages that three suspicious documents had been found on the computer of one Hicham Yezza. Yezza was working as a junior administrator in the School and was absent from work on this particular day. In his subsequent statement to the police the Registrar states:

I can say with strong clarity that the documents recovered from Yezza’s computer are entirely inappropriate...I see no valid reason whatsoever for the documents to exist and be available to [Yezza]...I think it is utterly indefensible for him to have possession of the said documents. The sending of any of the said documents is a clear breach of the University’s Policy and Code of Practice relating to the use of the University’s computers.

The Registrar goes on to say that he ‘immediately recognised...the serious nature of the content of the three documents’.¹⁴

¹⁴ Gary Stevens (University Head of Security), ‘Strictly Confidential Security Report Prepared for Vice-Chancellor, Sir Colin Campbell, in Relation to the Arrests of Student Riswaan [sic] Sabir and (name redacted) on Wednesday 14th May 2008’, p.5. This is undated but was written in the last week of June 2008. Hereinafter ‘Security Report’.

And what were these three documents that had ‘no valid reason whatsoever...to exist’; documents which were ‘utterly indefensible’ for Yezza (and, later, for Sabir) to have, and documents which could not be sent via the university’s computer system? Well, two were articles from the journals *Foreign Affairs* and the *Middle East Policy Council Journal*, while the other was a publicly available document downloaded from the United States Department of Justice (US DoJ) website.¹⁵

Foreign Affairs, of course, can properly be described as the world’s foremost journal covering ‘foreign affairs’. It can be bought at airport bookshops across the globe. It gave us such world-famous articles as George Kennan’s ‘Long Telegram’ (that set the parameters for Containment during the Cold War), and Samuel Huntington’s original ‘Clash of Civilisations’ thesis in article form. So it is most unlikely that such an august, Washington-beltway publication as *Foreign Affairs* would contain an article that, according to the Registrar, had ‘no valid reason whatsoever to exist’. Likewise the editors of the US-based *Middle East Policy Council Journal* might be surprised to learn that one of their articles was so incendiary that it could not be sent via a university’s email system.

The latter document referred to by the Registrar, and taken from the US DoJ website, was known as the *Al Qaeda Training Manual*.¹⁶ It had originally been put on this website in 2000, and had then been added to other US government websites such as those of the Federal Bureau of Investigation (FBI) and the US Air Force. It is also freely available on-line and in several book forms.

And let us be clear here. All three of these publications that had ‘no valid reason to exist whatsoever’ were also available from the University of Nottingham’s own library - although at that time the book, the *Al Qaeda Training Manual*, would have had to have been ordered through the inter-library loan system (class mark HV6431). However, in this particular book form the reader would be rewarded with a more complete version than that available on any US government website, such as that of the US DoJ (174 pages as opposed to 145).¹⁷ This is important to note for future reference: the document that led to the arrests, the *Al Qaeda Training Manual*, appears in its *fullest and most complete form as a book available from the University of Nottingham’s own library*. In fact, as of 2011, a new (2010) UK-published version of the *Al Qaeda Training Manual* - which is *now* the most complete ever published - is on the shelves of the University of Nottingham’s main library.¹⁸ (There are now two versions of the *Al Qaeda Training Manual* available that are complete and have nothing taken out. One is available from the ‘Federation of American Scientists’ website, and the other is the book recently published

¹⁵ P. Gordon, ‘The end of Bush’s revolution’, *Foreign Affairs*, Vol. 85, No. 4 (2006), pp. 75-86; Quentin Witorowicz and J. Katner, ‘Killing in the name of Islam: al Qaeda’s justification for September 11’, *Middle East Policy Council Journal*, Vol.10, No. 2 (2003) at http://www.mepc.org/journal_vol10/0306_witorowiczkatner.asp accessed 30 May 2010.

¹⁶ There is some evidence that Sabir may have downloaded it from the Federation of American Scientists (FAS) website. The FAS site was set up as a research tool for use by, among others, university students. The FAS version of the *Al Qaeda Training Manual*, and the one more likely to be used by students, is considerably longer and more detailed than the US DoJ version.

¹⁷ Jerry Post (ed), *Military Studies in the Jihad Against the Tyrants: The Al Qaeda Training Manual*, (Maxwell Air Force Base, Ala: US Air Force Counterproliferation Center, 2004).

¹⁸ Anonymous, *Al Qaeda Training Manual: Military Studies in the Jihad against the Tyrants* (Milton Keynes: Books Express Publishing, 2011). The University of Nottingham library initially refused to buy a copy of this book (£19.95 from Amazon). I insisted, quoting UNESCO guidelines which state that university libraries cannot apply censorship in accepting books into the library.

in the UK. The US DoJ version and the one previously available on Amazon (Pavilion Press edition) both have chapters 8-11 removed.)

It is also important to note here that nowhere in any of his written statements does the Registrar talk of conducting even the simplest of internet checks or of seeking either advice or guidance from elsewhere as to the nature of these publications.

This police statement of the Registrar is contained in a university document called the 'Security Report'. This was co-written by the Registrar and the university's Head of Security, Gary Stevens. It was written for the perusal of the Vice-Chancellor and the university's Management Board. The Registrar goes on, in this Security Report, to relate the sequence of events leading to the arrests. In the early part of his statement the Registrar tells how the police were initially called in on the evening of 12 May 2008. He says, 'I understand that Stuart Croy contacted the police regarding the documents'. (Stuart Croy is the deputy head of security at the University of Nottingham.) This makes it sound as if the Registrar did not have much input into the decision to actually involve the police. However, later in the statement he changes tack to make it clear that he did actually made the decision to involve the police. This is also important to note in light of later events. It was his, he says, 'responsibility', to call in the police:

I have a highly responsible role regarding the reputation and running of our university and as such, immediately recognised that due to the serious nature of the content of the three documents, *I had a duty to notify the police* and to ensure that this matter was fully investigated...I am responsible for the formation of policies and procedures within the University.¹⁹

Thus the calling in the police was the Registrar's responsibility and his alone. Certainly, he does not mention any 'risk assessment' being carried out. This is, again, an important fact to note.

Officers from Nottinghamshire Constabulary duly arrived on campus and decided to draft in others from the West Midlands Police Counter-Terrorism Unit (WMPCTU). These arrived the next day (Tuesday) and searches of Yezza's office in the university's Trent Building were carried out. Yezza was still absent from work. The searches were still ongoing the next day, Wednesday 14 May, when Rizwaan Sabir, a master's student in the School of Politics and a friend of Yezza's, turned up in the corridor outside his office. There he met a (white, English) lecturer from the School of Modern Languages who was concerned that Yezza's office had been sealed off and that a member of the university's security staff was posted outside. This lecturer had asked the security officer what the problem was, but he would not enlighten him. The lecturer then asked Sabir if he knew. Sabir did not. Sabir himself then questioned the security guard outside the office and he, too, was rebuffed. The Security Report describes the situation thus: 'At approximately 9:30 that day Riswaan [sic] Sabir was seen in the Trent building and he was asking questions as to what had happened to his friend "Hish"'. Sabir then texted Yezza to ask him if he was all right (he actually feared that Yezza might have died!). He

¹⁹ Stress added. Dr Paul Greatrix (Registrar), statement in 'Briefing Note' attached to email of his to Head of Security, Gary Stevens of 26 June 2008 at 06.53. This Briefing Note's page numbers have been redacted. Hereinafter 'Briefing Note'.

received no reply. Since he lacked the funds to maintain a call facility on his phone, he could not ring Yezza. So Sabir then went to a nearby office and asked to use their phone to call Yezza. Yezza did not answer, and so Sabir left a message. He then went for a coffee with a (white, German) friend in a cafe not far from both Yezza's office and the master's students study room where Sabir normally worked.

It is at this point that a university security officer appears to have alerted the police as to Sabir's interest in Yezza. As the Security Report puts it: 'The WMP CTU [sic] were uncomfortable with what was interpreted as Riswaan [sic] interfering with the investigation into Hicham Yezza'.²⁰

Sabir, on leaving the cafe, went to the toilet. As the Security Report describes it, he was then arrested 'in the B floor gent's [sic] toilets of the Trent Building by plainclothes officers'. This, the time of his arrest,²¹ was the first time that Sabir knew of any police involvement. There were no uniformed officers or marked police vehicles in or near the Trent Building. In the Security Report it was stated that, when Sabir phoned Yezza, he had 'left a message to alert Hicham of the Police activity'. This was not true; neither Sabir nor the lecturer from the School of Modern Languages was aware of any 'Police activity'.²²

In several subsequent statements made by senior university staff and by those writing in the university's name, Sabir was noted as having been arrested for 'interfering with the investigation into Hicham Yezza'.²³ A Muslim newspaper that had accused the university of actually reporting Sabir to the police at the time had been told by the Registrar that Sabir 'brought himself to the attention of the police and was arrested by them for impeding their inquiries. Nobody "reported" him'.²⁴ But this all seems difficult to square with reality. Neither Sabir nor the lecturer from the School of History had any idea that there was any kind of police 'investigation' going on – so just how could Sabir have 'impeded' or 'interfered' with this investigation? All he had done was to try and phone his friend because he was worried about him. And it is difficult, moreover, to see how Sabir was doing any 'interfering' or 'impeding' when he was in the toilet at the time.

Here we have the first inconsistency in the University of Nottingham's version of events in relation to what became known as the case of the 'Nottingham Two'. Many more such 'inconsistencies' were to follow.

Yezza, having eventually received Sabir's message, came on to campus to find out what was happening in his office. He too was then arrested. (This, too, was twisted by the university. In a message to the university community of 27 May 2008 Management Board stated that 'when [Yezza] was eventually traced by the police, he too was arrested'. But by turning up on campus, Yezza had hardly made it difficult for the police to 'trace' him.²⁵)

Guilty until proven innocent

²⁰ 'Security Report', p.5

²¹ Sabir was not actually arrested in the toilet. He was asked by officers to accompany them outside the building to a car and he was then arrested.

²² Ibid.

²³ Ibid.

²⁴ In email of Registrar to Jonathan Ray (Communications Director) of 10 July 2008 at 14.30, where he is composing a letter to *Muslim News*.

²⁵ University of Nottingham portal message of 27 May 2008.

Extraordinarily, the day after his arrest, an exclusion letter had been prepared for Rizwaan Sabir with the Vice-Chancellor's signature block. This stated that, 'I am suspending you as a student and excluding you from all parts of the university with immediate effect'.²⁶ It appeared that as far as the university was concerned, Sabir was guilty until proven innocent.

The offending documents

Police officers then went to Sabir's home in Nottingham. But they found nothing incriminating. Sabir was a local student (his father is a car mechanic) who lived with his extended family, including his grandmother. His family were asked to vacate the property immediately and could not return for twenty-four hours. His grandmother was distraught. The police's search for evidence led to the seizure of a certain number of books and other documents, each of which was then 'bagged and tagged'. It should be noted that *all* of the evidence that was taken from Sabir's home, including that from his computer, consisted either of books from the university library, articles from journals in the university library, or course handouts from university lecturers. Nothing taken away was in any way seditious, radical, Islamist or inflammatory. And likewise nothing was found on his computer that was in any way suspicious. Among the books removed from his home and listed as 'evidence' by WMPCTU officers were the following: P. Williams (ed), *Security Studies: An Introduction* (2008); P. Peollner, *Nietzsche and Metaphysics* (2004); R. Welshon, *The Philosophy of Nietzsche* (2001); G. Ritzer, D. Goodman, *Postmodern Social Theory* (2001), and an article by M. Constanas, 'The Changing Nature of Educational Research and a Critique of Postmodernism', *Educational Researcher*, Vol. 27, No. 2 (1998), pp. 26-37. (And lest I be accused here of being selective in noting what the police seized as evidence, I include in the footnotes a complete list of *all* the material taken from Sabir's home and computer.)²⁷ In the end, though, it was *only one document* found in Sabir and Yezza's possession – the *Al Qaeda Training Manual* – that led to the police justifying the arrests. There was *nothing else* that brought about these arrests.

This material seized needs to be put into context. Previous arrests of young Muslims in the UK on terrorism charges involving the possession of terrorist literature have always involved a raft of material that could be defined as 'terrorist' or 'radical' in nature. What is unique about the arrests of Sabir and Yezza is that there was only *one* document that could be described as in any way, and only at first glance, as 'suspicious' – the *Al Qaeda Training Manual*. Their arrest in this respect is completely without precedent in this country.

The link between Sabir and Yezza came to be established. Yezza had been in Nottingham for some thirteen years and had spent most of that time at the university. He

²⁶ Entitled 'Suspension/Exclusion letter', dated 15 May 2008.

²⁷ The other works seized were: 'Post Modern Social Theory'; 'Policy Brief – The Key to Arab Reform: Moderate Islamists'; 'Bush's Revolution' [the same *Foreign Affairs* article as on the computer in Yezza's office]; 'The End of Sociological Theory: The Postmodern Hope'; 'Zuzna Parusnikova: Is a Postmodern Philosophy of Science Possible?'; 'Can There Be Such a Thing as a Social Science?'; 'Evaluating the Preemptive Use of Force'. The police also removed nine University of Nottingham course handouts. The only other document taken away was something called 'Al-Muhajiroun'. Since Sabir was preparing a PhD entitled 'Radical Islamism – Understanding the Misunderstanding' one can understand why he would have this. The detail of the material 'bagged and tagged' comes from Sabir himself, but can also be checked against publicly available WMPCTU records.

had dropped out of a PhD programme and taken a job in university administration. During his time as a student, he had served on the student union executive and been a member of University Senate. In addition to his administrative job, he had become a peace activist, a member of a dance/acting troupe and the editor of a campus magazine called *Ceasefire*. Yezza, waif-like, very softly spoken and a genuine ‘peacenik’, was well-known among students from the Muslim community on campus. He acted as a mentor to several Muslim students, including Sabir.²⁸

Sabir’s research interests lay in the study of Al Qaeda in Iraq and aspects of radicalisation. Both were common topics among the students I taught on my postgraduate- and undergraduate-level ‘Terrorism’ courses in the School of Politics. (In total I had over one hundred students studying ‘Terrorism’ that year - 2008.) Sabir, however, was not actually taking any of my courses as he was enrolled on a ‘Research Track’ MA. This meant that his modules were mostly related to social science research methods and were geared to the expectation that he would begin a PhD once he had completed his MA. Thus Sabir was, at the time of his arrest, gathering material both for his 15,000-word MA dissertation and for his future 90,000-word PhD. The MA dissertation was to involve a study of Al Qaeda in Iraq, while his PhD was to be entitled ‘Radical Islam: Understanding the Misunderstanding’.²⁹ Sabir regularly consulted Yezza as to what material he should use for both projects.³⁰

The three ‘incriminating’ documents came to be on Yezza’s computer because Sabir, not wanting to read them from a computer screen, and lacking the funds to print them off for himself, had sent them to Yezza so that he could do so using his office printer. This was wrong. Sabir should not have asked his friend to do this. But Yezza, as it happens, only ever agreed to print off one of the documents – the shortest one; that from the *Middle East Policy Council Journal*. While again wrong, who among us has not done a similar favour for a friend? The three documents then merely sat on the computer in Yezza’s office from late January, when they were first sent by Sabir, until they were ‘discovered’ in May 2008.³¹ Yezza had made no attempt to hide or remove them. And on the day of the ‘find’, moreover, he had also freely given his computer password to a fellow administrator who needed to access something on his computer while he was away. And Yezza freely told her where she could find what she was looking for – in a folder where the three ‘incriminating’ documents were. These are hardly the acts of anyone who feels he has any ‘terrorist materials’ on his computer. Moreover, if he *was* a ‘terrorist’, would he really be storing seditious material on his *work* computer, and would he *really* have set off back to his office to find out why university security staff had sealed it off? Should he not be going in exactly the opposite direction?

Sabir and Yezza were held and questioned for six days because of these three publications; publications which were publicly available and which any student studying Islam, Islamism or terrorism would consider to be perfectly normal. Students are, indeed, encouraged to engage, specifically, with *the Al Qaeda Training Manual* by basic

²⁸ From Red Pepper: <http://www.redpepper.org.uk/Guilty-as-not-charged-on-Teaching-About-Terrorism> website, accessed 5 July 2009.

²⁹ MA dissertation proposal, ‘Smoking out Al Qaeda: America’s response to Iraq’s Jihadis’, and PhD proposal, ‘Radical Islamism: Understanding the Misunderstanding’.

³⁰ Various conversations with Rizwaan Sabir as part of MA and PhD supervision sessions and subsequent meetings.

³¹ Conversations with Sabir and ‘Security Report’.

undergraduate texts such as Gus Martin's *Understanding Terrorism*. This helpfully provides a link to this self-same US DoJ website so that students can have a look at it for themselves.³² Moreover, the Wikipedia site for 'Islamic Terrorism' also listed the *Al Qaeda Training Manual* (until recently) as one of its principal sources.³³ In book form, five different presses have produced versions of the *Al Qaeda Training Manual*. The most recent edition (2010) is from a British publishing firm whose retail arm actually supplies the University of Nottingham's library with all its books!³⁴ And Rohan Gunaratna, perhaps the world's foremost expert on the study of terrorism, wrote to Sabir to say he thought that the *Al Qaeda Training Manual* was, quote, 'required reading' for anyone studying Al Qaeda.³⁵ What Gunaratna says here is also very important to note in light of later events.

So, let us be clear here. The Al Qaeda Training Manual is a mainstream student source. It is in no way illegal, illegitimate, seditious or extremist.

The fact is, though, and despite the likes of Gunaratna having made use of it in their works, the *Al Qaeda Training Manual* appears to have nothing to do with Al Qaeda, and should not really be recommended as a useful source. It was probably, in fact, prepared for an offshoot radical organisation of the Egyptian Muslim Brotherhood. Much of it would seem to date from the 1950s, and many of the examples of operations it gives occurred in the 1940s. But it also has additions from, at the very latest, the 1980s or very early 1990s. Its real name is *Military Studies in the Jihad against the Tyrants*. It was discovered (written in Arabic) by British police in Manchester in 2000. It was only given its current name by the US DoJ as a 'public relations gambit',³⁶ so that its possession would more likely lead to convictions on terrorism charges in the US.³⁷

The *Al Qaeda Training Manual* also showed up in a British court case in 2005 involving the so-called 'ricin plot'. In referring to this case, one knowledgeable journalist wrote that:

The most ironic twist was an attempt to introduce an "al-Qaida manual" into the case...It was given to the FBI to produce in [a] 2001 [sic] New York [terrorism] trial. But it wasn't an al-Qaida manual. The name was invented by the US Department of Justice in 2001, and the contents were rushed on to the net to aid a presentation to the Senate by the then attorney general, John Ashcroft.

³² G. Martin, *Understanding Terrorism* (London: Sage, 2010), third edition, pp. 360-361.

³³ Taken from a print-off from the Wikipedia site for 3 August 2009.

³⁴ J. Post, *Military Studies in the Jihad against the Tyrants* (London: Frank Cass, 2002); B. Venzke (ed), *The Al Qaeda Documents, Vol.1* (Alexandria, Va.: Tempest, 2002); *Al Qaeda Training Manual* (New York: Pavilion Press, 2006); J. Post, *Military Studies in the Jihad against the Tyrants: The Al Qaeda Training Manual* (US Air Force version as in footnote 11.); Anonymous, *Military Studies in the Jihad against the Tyrants: The Al Qaeda Training Manual* (Milton Keynes: Books Express Publishing, 2011).

³⁵ Sabir asked him the question, 'Would you consider the Al Qaeda Training Manual (145 pages) to be an important document for a person who is conducting a Master's dissertation on Al Qaeda's tactics, and a PhD thesis that is heavily focused on the strategy of Al Qaeda'? Gunaratna replied, 'The answer to your question is yes'. Email exchange between Sabir and Gunaratna dated 12 July 2008.

³⁶ Cryptome website's introduction to their version of Al Qaeda Training Manual at <http://cryptome.info/0001/alq-terr-man/alq-terr-man.htm>.

³⁷ See Rod Thornton, 'The Al Qaeda Training Manual (not)' at <http://www.spinwatch.org.uk/component/content/article/5310-the-al-qaeda-manual-not>.

This journalist, as I did, quickly established that it could not be an Al Qaeda manual. He wrote: 'To show that the...manual was written in the 1980s and in the period of the US - supported war against the Soviet occupation was easy'. He then, in echoes of this Nottingham issue, refers to this 2005 ricin case as the 'terrorist plot...that never was', and concludes that 'we have all been victims of this mass deception'.³⁸

The reason that the US DoJ changed - or rather 'invented' - the name of the document can only really have been to 'sex it up'. The title the *Al Qaeda Training Manual* sounds much more provocative than *Military Studies in the Jihad against the Tyrants*. Suspects are much more likely - are they not? - to be convicted by juries if they are caught in possession of the 'Al Qaeda Training Manual', rather than something confusingly called 'Military Studies in the Jihad against the Tyrants'. The 'tyrants' actually being the Egyptian secular leaders from the 1950s onwards - Gamel Abdul Nasser, Anwar Sadat and Hosni Mubarak.³⁹

An aside to make here is that this is an insurgent/guerrilla/freedom-fighter manual. If the *Al Qaeda Training Manual* was a 'terrorist' manual it would be a lot different in character, scope and emphasis. Its contents, it is clear, are not actually aimed at activists who want to spread fear or 'terror' - i.e. 'terrorists'. As Professor Michael Clarke from King's College London, who has seen the *Al Qaeda Training Manual* put it: 'I have not seen any Al Qaeda manuals that look like genuine terrorist training'. (Actually, the best 'terrorist' and bomb-making training can be found on the websites of American militia organisations.)⁴⁰

Students actually seeking a proper Al Qaeda training manual should look at Norman Cigar's *Al Qaeda's Doctrine for Insurgency* published by one of the most prestigious presses in the US and also available from the University of Nottingham's library. This is a *real* Al Qaeda manual and contains far more 'useful' information than does the rather mundane and completely archaic *Al Qaeda Training Manual*.

Such books as that by Cigar or the *Al Qaeda Training Manual* are in libraries and bookshops not to 'teach' people how to be terrorists (because they do not), but rather they help create an *understanding* of terrorists and insurgents. It is, of course, only by understanding terrorism and terrorists that proper counter-terrorism can then be practiced. It is the 'know-your-enemy' principle. So, while the Registrar of the University of Nottingham might see 'no valid reason whatsoever for the [Al Qaeda Training Manual] to exist', there *are* valid reasons why such documents do exist.

Of course, finding a document entitled the *Al Qaeda Training Manual* on an administrator's computer might seem alarming (but surely not the other two articles?). But, again, a very quick Google check would have ascertained where it/they had come from. A university expert could also have been called in or Yezza himself could have been asked why it/they were on his computer. The fact that such basic procedures were not followed, a duty of care not respected, and a risk assessment not carried out by the

³⁸ Duncan Campbell, 'The ricin ring that never was', *The Guardian*, 14 April 2005, online at <http://www.guardian.co.uk/world/2005/apr/14/alqaida.terrorism> accessed 15 October 2010.

³⁹ See Rod Thornton, 'The Al Qaeda Training Manual (not)'.

⁴⁰ Alex Pell, 'Finger Points to British Intelligence as Al Qaeda websites are wiped out', *The Sunday Times*, 31 July 2005, p.3.

university (which we know from the Registrar's statement) came to have very unfortunate consequences.

But why, one has to ask, was the Registrar operating with a default setting that judged that these three documents had 'no valid reason whatsoever to exist'? Why was his default setting not along the lines of, 'Oh, I wonder if these are in the library'?

My interview with the police

I only found out about all the above detail by piecing together the heavily redacted material that has since been released by the university under FoI and DPA legislation to both myself and Rizwaan Sabir. But at the time of the arrests I was as much in the dark as anyone else. The police had arrived first on campus on the Monday; the WMPCTU officers arrived on the Tuesday, and the arrests were made on the Wednesday. On the Friday (16 May 2008), I was asked to make myself available to be interviewed in my office by officers from WMPCTU. As I say, I was responsible for Sabir in my role as Postgraduate Tutor for my department (the School of Politics). I had also, back in December 2007, seen his MA dissertation proposal. All one-year MA students must produce a dissertation proposal to a lecturer for approval in the January prior to their beginning work on the dissertation after exams in May. Any student would then have a lecturer appointed as his/her supervisor who would oversee their dissertation work over the summer. The finished dissertation would then be handed in during September. In December 2007, Sabir had also asked me for advice on his PhD proposal. This he would likewise later have to submit. Neither of Sabir's proposals – MA nor PhD – contained the *Al Qaeda Training Manual* in their bibliographies.⁴¹

I was quite well disposed to these counter-terrorism police officers when I met them. I had originally expected to see sharp-suited, *Spooks*-style, high-flyers. Instead, it seemed obvious that those before me were just ex-squaddies - former ordinary soldiers like myself. Feeling a mutual bond, I tried to be as helpful as possible.

I told them that, while Sabir had the persona of a motor-mouthed-cheeky-chappie who was bound to annoy certain people, he did not seem to have any 'radical' tendencies. He certainly expressed none to me. He was also very civil, and appeared to have been the soul of politeness and carried no sense of animus towards anyone that I knew of. This was later confirmed when all of his university emails were released under FoI. In not one of these – even in those he sent to people who had treated him quite badly – is he rude or accusatory. He is, in fact, almost obsequiously polite.⁴²

As another aside, it does need to be said that Sabir had been arrested before on campus. This was on 30 November 2007 when a 'handful of students'⁴³ had wanted to organise a protest whereby they would erect a symbolic 'West Bank Wall' near the main library. The university hierarchy had refused to allow this protest to take place in the form requested as it would, quote, have 'unsettled the harmony of the campus'.⁴⁴ In a

⁴¹ Sabir's MA proposal, 'Al Qaeda in Iraq', and his PhD proposal, 'Radical Islam: Understanding the Misunderstanding'.

⁴² This is borne out by a range of emails sent and received by university personnel having dealings with Rizwaan Sabir as a student.

⁴³ Description by lecturer from email held on file by Communications Director.

⁴⁴ 'Another concerned student' quoting from university documentation in message of 19 May 2008 at 20.41 on indymedia. Also by 'Yet another concerned student' on 20 May 2008 at 16.46 on <http://www.indymedia.org.uk/regions/nottinghamshire>. From documents held by University of Nottingham.

later letter to the Head of the School of History, the Registrar, Dr Paul Greatrix, laid out the reasons why he was not going to allow this protest to take place. It was to be denied, he said, for three reasons. The first was that ‘individuals or groups cannot decide that their own views are more valid or more important than everyone else’s’. The second was on ‘the basis of impracticality, mess and obstruction’. The third was because the wall would ‘interfere with students and staff going about their normal business’.⁴⁵ The rationales presented here are indicative of the University of Nottingham’s attitude to protest on its campus. And such objections are, of course, despite the legal obligation that all universities have to cater for dissent and protest on their campuses; and despite, indeed, the *public* statements from the Registrar who has also been quoted as saying that ‘the university is an open and free arena for debate and dissent’.⁴⁶

This Wall protest was one of those occasions where, as is clear from the access (under FoI) to statements by senior management (including the Registrar) - and on a range of issues - some variance exists between what the university wants to tell the world and what it actually does on the privacy of its own campus.

This Wall protest went ahead anyway without permission. A wooden screen of perhaps eight feet in height and four feet in width was placed across a path leading to the library. While this did cause an obstruction (that was, after all, its whole point), it did not block the entire path and students could anyway walk around either on the large patch of grass on one side of the path or, on the other side, an adjacent road. From Youtube film of this incident it is obvious that very few people were actively involved, and it was all very low-key. A lecturer - not in the School of Politics - who was present said that ‘the student “wall” did not impede access to the library’.⁴⁷ Sabir was there as well, but he was not one of the organisers and was merely observing. Those responsible for the wall were asked by university security personnel to remove it as soon as it was erected. This request was refused. The police were called. Sabir, however, objecting to the presence of the police on campus, talked himself - in his motor-mouth-cheeky-chappie way - into being arrested. This had happened even after the students had agreed to remove the Wall. As the above lecturer pointed out, ‘the students were being cooperative and had followed instructions to dismantle the “wall”’.⁴⁸ And to quote the university’s Head of Security, Sabir was arrested ‘in order to prevent a breach of the peace’.⁴⁹ (So he had not actually ‘breached’ the peace; he was arrested, it seems, merely ‘to prevent’ one!) After a cup of tea at the police station, Sabir was released without charge.⁵⁰ Basically, he appears to have been arrested merely for showing ‘dissent’. And this despite the Registrar having said that the university was ‘an open and free arena for debate and dissent’.⁵¹

A professor in my own School of Politics, having watched the film of the incident, later sent an email to other members of the School. He said that Sabir ‘was giving the

⁴⁵ Letter of Registrar to Dr Colin Heywood, Head of School of History (who had complained about the university’s treatment of those involved in the Wall protest). Letter is dated 21 December 2007.

⁴⁶ Taken from *The Education Guardian*, **AUTHORS’ A thorough and sensitively handled investigation: The University of Nottingham’s statement’, from document held by University of Nottingham** 24 May 2008. SORT ALL TEHSE EDUC GUADAIN

⁴⁷ Dr Spencer Mawby in notice to Registrar, date and time unknown.

⁴⁸ Dr Spencer Mawby in notice to Registrar, date and time unknown.

⁴⁹ ‘Security Report’, p.5.

⁵⁰ Available to view at <http://www.youtube.com/watch?v=uZLwtit8GXM>.

⁵¹ *The Education Guardian* ‘A thorough and sensitively handled investigation’.

copper lip and was warned numerous times to can it so he really got what he deserved on that one'.⁵² In the same email exchange, another lecturer in the School called his behaviour, 'arsey'.⁵³ Such comments were coming from academic staff in the School in which Sabir was studying. They might provide some idea of just what he was up against as a student even within his own School at the University of Nottingham.

Whatever one thinks about the situation vis-à-vis the real wall around the West Bank - and there are arguments to be made on both sides - it is an edifice that is deemed to be illegal under international law. The British government itself has protested about its construction. Sabir, in his protests, was thus in good company. So there is some irony in his arrest: he was protesting about the existence of something that his own government had judged to be illegal – and on a campus where he was supposedly free to express 'dissent'.

However, back to my police interview. The officers present, without telling me the name of the documents that had led to the arrests, asked me about Sabir's research. I told them that I had agreed with Sabir's approach to his MA dissertation and that he had produced a proposal, including a bibliography (which, as I say, did not have any of the three documents in question, including the *Al Qaeda Training Manual*, on it).⁵⁴ I told them that Sabir was studying Al Qaeda in Iraq for his MA dissertation. This news had an immediate effect on the officers present. Up to this point, they had seemed very unsure of themselves; almost apologetic. Now, though, armed with the information I had given them, and with written evidence of Sabir's dissertation proposal - and with his reasons for having literature related to Al Qaeda - the senior police officer in the room recognised its significance. He took the proposal immediately to the School office in order to fax it to his superiors. I thought, as seemingly did this officer, that this would end the whole affair and the two could go free. This was on the Friday, but the two men were still not released until the Tuesday.

I stress once more, during this interview of some three hours in my office on the Friday, and in a subsequent one of two hours when I was at work on the Saturday, that at no time were the names of any of the three documents that led to the arrests mentioned to me. The only document that came up in conversation (raised by the police) was 'The Encyclopaedia of Afghan Jihad' (1,500 pages). This I knew to be a document that could be an aid to terrorists, and I wondered if this was what had led to the arrests.

In my interviews, I tried to explain to these police officers the difference between the strategic, operational and tactical levels of terrorist activity. They seemed unaware of this distinction. Students seeking knowledge about the first two levels would be harmless enough, I told them. However, I said I would be concerned if students were seeking aspects of tactical knowledge that were too detailed – the principal detail being that of how to make bombs out of household ingredients such as hair bleach and pepper (knowledge available to the 7/7 and 21/7 London bombers). But such details would only ever be available (as far as I know) in such virtually inaccessible tomes as the above

⁵² Email of Dr Steven Fielding to Professor Paul Heywood (Head of School), Dr Mathew Humphrey (then Deputy Head of School), Professor Philip Cowley (later Deputy Head of School), Dr Pauline Eadie (Exams Officer) and Dr David Stevens of 7 July 2009 at 17.21.

⁵³ Email of Dr Pauline Eadie to Professor Paul Heywood, Professor Philip Cowley, Professor Steven Fielding, Dr Mathew Humphrey, Dr David Stevens, Dr Macdonald Daly, Dr Sean Matthews on 7 July 2009 at 17.58.

⁵⁴ This is still on my email system and available to be viewed.

‘Encyclopaedia’. I do not think, however, that the police quite understood the difference between the three levels. And, as it was proved later, neither did the university’s hierarchy.

It is worth recording here that at one point during this Friday interview a seemingly exasperated officer sighed and said: ‘This would not be happening if the student had been blonde, Swedish and at Oxford University’. Since it seemed to sum up the whole investigation, I later mentioned this to several colleagues. I had, though, asked that this statement not be broadcast to protect this police officer. But the phrase did then appear in a number of subsequent emails and online in blogs.⁵⁵ I suppose, however, that people - just as I originally did - thought that this remark was just way too juicy to keep to oneself.

The Professor of Romance Literature

As I say, in my interviews the police officers themselves seemed confused about the nature of what had actually brought about the arrests. One thing they did know, however, was the name of the man who would sort everything out: Professor Bernard McGuirk.

I had never heard of this professor but the officers clearly wanted to track him down. They were anxious, if not indeed desperate, to find him. Did I know where he was? I looked him up for them on the university website, but I was spelling his name wrongly so could not help. Several phone conversations ensued in my office between the police officers present and others elsewhere trying to find this Professor McGuirk. Indeed, I was not the only one being asked about his whereabouts. A fellow lecturer from the School of Politics, Dr Bettina Renz, who was also interviewed by the police (on the Saturday, when she was also at work), was likewise asked if she knew where Professor McGuirk was. Talking later, neither of us could work out why he was so important to them.

The police finally caught up with him on the Sunday, 18 May. He then gave them a formal statement. But I did not know this at the time. And it was only much later that his role became clear. The police had wanted him so badly because he was the one academic in the university who - they knew - would be able to justify their making the arrests in the first place.

Professor McGuirk had been the first academic approached for advice by those School of Modern Languages administrative staff who had actually found the three documents on Yezza’s computer on the Monday. But his full role is something of a mystery. It was common knowledge, though, in the university (and this can be verified), that at the time of the arrests he had told the police that the *Al Qaeda Training Manual* was, quote, an ‘illegal document’.

The police’s view of Professor McGuirk is very important. This is because it was his opinion on *the Al Qaeda Training Manual* - and his opinion *alone* - that came to justify the arrests of Sabir and Yezza. *There was no other evidence against them.*

And what is Professor McGuirk’s position in the University of Nottingham? He is a Professor of Romance Languages and Literary Theory. He does not have, and nor has he ever had, anything at all to do with the teaching or researching of terrorism. He appears to have done what the FBI hoped that juries in the US would do: simply assume that if a document has a dangerous-sounding name then it must be dangerous.

⁵⁵ In, for instance, email of Dr Alf Nilsen sent on 22 May 2008 at 15.36 to [names redacted] and in an article Rizwaan Sabir wrote for *The Guardian*: ‘It really is psychological torture’, 11 June 2008 at <http://www.guardian.co.uk/uk/2008/jun/11/uksecurity.terrorism> - held by University of Nottingham..

The police looked upon Professor McGuirk's judgement as being seminal. This is clear from the note that Sabir's lawyer was given by the police while he was still in custody (and just after their interview with McGuirk). This was hand-written. I include it here in its entirety (it was released, as every other piece of documentation here, under FoI by the university):

Rizwaan Sabir 18/05/08 [ed. i.e. the Sunday]

Your client will be asked to comment on a document removed from his laptop computer titled 'RADICAL ISLAM: UNDERSTANDING THE MISUNDERSTANDING' [ed. the title of Sabir's proposed PhD thesis].

He will be asked questions about its purpose and content.

He will be asked questions about the AL QAEDA training manual also recovered from his laptop and its relevance to his work.

He will be asked about comments made by Professor Bernard McGuirk a senior member of the University of Nottingham who has the opinion that all members of the University should be aware of what was and was not legitimate material and that this training manual in question doesn't fall into the category of normal research documentation.⁵⁶

So Hicham Yezza and Rizwaan Sabir had been arrested and were kept in custody for six days based only on the opinion provided by a Professor of Romance Literature and Literary Theory. Nothing else. And this opinion related to a book that was available from the university's own library. What the Home Office later came to advertise as being a 'major Islamist plot' came about - *purely* - because of the mistaken beliefs of this one Professor of Romance Literature and Literary Theory. And all the future occasions when Sabir came to be stopped and searched by the police were the result of the opinion expressed by this one professor. And all of the disciplinaries that I (and others) later faced in the university could likewise be sourced back to the aberrant 'judgement' of this one academic. You could, as they say, just not make it up.

This aberrant judgement was later to be taken, expanded upon and reinforced by the phenomenon of 'groupthink'.⁵⁷ But this was a form of groupthink that was malign. A whole series of actors across a whole series of institutions, agencies and government departments went with Professor McGuirk's initial judgement. No-one questioned it. But if just one person in just one position of authority somewhere in the chain had stopped to say - 'Hang on, is this really true?' - then common sense may just have prevailed and we would not have reached the 'major Islamist plot' endgame. But nobody in authority ever did stop to consider the situation; and so common sense was never given a chance. And

⁵⁶ Police Notice to Sabir's lawyer, 18 May 2008.

⁵⁷ Groupthink is defined as, 'A mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members' strivings for unanimity override their motivation to realistically appraise alternative courses of action'. Irving Janis, *Victims of Groupthink*, (Boston, MA: Houghton Mifflin, 1972), p.9.

maybe, just maybe, this whole host of actors went with the flow because they *wanted* to see these men guilty of *something*. Their minds seemed, in classic groupthink style, to be completely closed to alternatives. But why? Why was, again, the default setting fixed at a particular orthodoxy that wished to see Rizwaan Sabir and Hicham Yezza ‘guilty’, and not ‘innocent’? And, one must also ask, if they had been ‘Swedish and blonde’ would the default setting have been the same?

The police did, though, come to change the word used by Professor McGuirk from ‘illegal’ to merely ‘not legitimate’ in their notice to Sabir. The police knew the *Al Qaeda Training Manual* could not be ‘illegal’. Only a jury could decide that. And I do not blame the police here. They were taking the word of someone - a ‘senior academic’ - who they assumed was, and could be treated as, an ‘expert witness’. My view, however, was not asked for. And yet I was the university’s expert on terrorism: I was the only academic in the university designated to be a ‘lecturer in terrorism’; I was the only academic in the university who had done counter-terrorism ‘for real’, and I was the one academic in the university who would surely have known what was, and was not, quote, ‘normal research documentation’ for research into terrorism. The university should have directed the police *to me* for *my* opinion on the *Al Qaeda Training Manual*. They did not. I was only interviewed by the police in my role as the School’s postgraduate tutor; I was not presented to the police as the university’s expert on terrorism. Hence the police basically kept me in the dark.

Police notice on release

On his eventual release from custody, Sabir was handed another note by the police. This time it was type-written. I produce it here verbatim:

Notice to Rizwan [sic] Sabir

You were arrested on Wednesday 14th May 2008. You had in your possession a copy of a document titled ‘Al Qaeda Training Manual’.

That document contains information of a kind likely to be useful to a person committing or preparing an act of terrorism.

The University authorities have now made clear that possession of this material is not required for the purpose of your course of study nor do they consider it legitimate for you to possess it for research purposes.

You are warned, therefore, that if you are found in possession of a further copy of this material in future, you will be the subject of further investigation, which may include arrest and further detention.

20th May 2008⁵⁸

⁵⁸ Police Notice to Sabir, 20 May 2008.

Thus the police were saying that it is ‘the University authorities’ who have ‘made clear’ that Sabir should not have the document. The police are careful not to give their own opinion.

The fact that the police were here putting the onus for the decision to arrest on the ‘university authorities’ did not, however, fit in with the wishes of the university authorities themselves. This is because, for the university, this police note brought into question issues of ‘academic freedom’: that is, it looked as if a university, and not the police, was saying what was, and was not, ‘legitimate’ research material. This, though, will always be the case. When it comes to university/college students, it is not the police’s job to say what is, and is not, ‘legitimate research material’: *this is the university’s job*. As one policeman was quoted as saying, ‘It is for the University to determine what physical documents may be accessed by students’, i.e. it is not for the police to do this.⁵⁹ Another officer said: ‘It’s not for the police to say what material is appropriate for use by students – the university should determine this because it’s the university’s business’.⁶⁰ Thus the only authority that can restrict the access of university students to any form of ‘terrorist’ literature is not the principal agent of the law - the police - but rather the universities themselves. But all a university can do in this regard is to say ‘we think it is wrong that our students are looking at this or that “terrorist” literature’. What they cannot do, though, and as the University of Nottingham did, is to say that such literature is ‘illegal’ or ‘not legitimate’ because, in the eyes of the law, it is not. And if a university does restrict the access of materials – say, through its rules for the use of computing facilities or its refusal to order a certain library book⁶¹ – then it must accept that it is applying limits not on so much on academic freedom (whatever that is), but rather on *freedom per se*.

But here is where another major issue presents itself. The police note made it clear that ‘*the university*’ was *not* saying that the document was generally ‘not legitimate’; rather - and crucially in its use of the second person (‘...for you...’) - the University of Nottingham must be saying that it was not ‘legitimate’ *specifically* for Rizwaan Sabir to possess the *Al Qaeda Training Manual*. But why should this *only* apply to him?

In a university ‘Briefing Note’ later co-written, like the Security Report, by the university’s Head of Security and the Registrar for presentation to the Vice-Chancellor and Management Board, the disappointment with the police notice to Sabir is clear: ‘The Police did not give the University the opportunity to be involved in the drafting of this notice nor did they give an opportunity for the University to suggest any amendments’.⁶² This police notice to Sabir had now put senior staff at the university firmly on the defensive.

The university’s reaction

The nature of the arrests naturally led to some disquiet on campus. There was a ‘silent demonstration’ where students and lecturers marched with their mouths taped up to

⁵⁹ Report of Mr Chris Thompson (Chief Financial Officer) entitled, ‘Allegation of Malpractice against Dr Paul Greatrix made by Dr R Thornton’, dated 11 November 2009.

⁶⁰ Notes from phone conversation with representative of university’s Chief Financial Officer with unknown police officer dated 15 October 2009.

⁶¹ This would anyway be in breach of the abovementioned UNESCO document that governs the behaviour of the world’s universities, *The Status of Higher Education Teaching Personnel*, 1997.

⁶² ‘Briefing Note’, no page numbers.

protest at the free-speech implications of the arrests. The then local MP, Alan Simpson, spoke when the march stopped outside the university's library. (This protest then *totally* blocked the very path where the 'West Bank Wall' had been!) Sections from the *Al Qaeda Training Manual* were read out by staff members and students. I took no part in this demonstration. Protests are not what ex-soldiers do: my experience in Northern Ireland had rather been more about breaking them up.

Senior management had a low opinion of those involved in this demonstration. Despite the mantra being that 'the university is an open and free arena for debate and dissent',⁶³ the protestors were, noted the aforementioned Security Report, involved in, quote, 'antics [which] were obviously designed to attract confrontation'.⁶⁴ Publicly, of course, the message was different. Jonathan Ray, the university's then Communications Director, who was present at the demonstration, stated that Security Officers were 'facilitating rather than hindering' the protest. (Well, one might point out that it would have been against the law if they had 'hindered' it; as it would if the police themselves had 'hindered' it.) Ray relates that he welcomed the 'fact that demonstration [sic] was happening and that this is a campus where free expression and protest can be expected in a thriving University'.⁶⁵ The difference in approach between this demonstration and the much smaller 'West Bank Wall' affair - where Security officers and police *had* been 'hindering' rather than 'facilitating' - was, of course, that the media had not been present at the latter.

Members of the university's senior management were later sent a host of emails complaining about the arrests. The case made world-wide news. The university then mobilised. It started to do what any large institution does when faced with problems of 'image': setting out to protect that image, while seemingly not being too concerned as to how this was to be accomplished.

As soon as the wheels of the university's PR machine were set in motion, I began to doubt the veracity of some of the statements that were being put out. These came from either the then Vice-Chancellor, Sir Colin Campbell, or from Management Board. (Whereas the Registrar is the administrative head of the university, the Vice-Chancellor is rather more the figurehead - but the one who still wields ultimate power. Management Board is the cabinet: the body that 'runs' the university. At Nottingham, the Management Board consists of the Vice-Chancellor, the Registrar and nine other senior members of staff - mostly pro-vice chancellors.⁶⁶)

After the furore over the arrests, emollient statements from Management Board began to appear on the university's web-based 'portal'. If some information is to be transmitted to the university as a whole then the means to do this is via the portal. Using the portal, the Vice-Chancellor, very early in the proceedings, stressed the importance of staff and students within the university being told by him what had, quote, 'actually happened'. He said he had 'authorised the release of factually accurate statements of relevant events to

⁶³ *The Education Guardian* 'A thorough and sensitively handled investigation'.

⁶⁴ 'Security Report', p.15.

⁶⁵ Email of Jonathan Ray to [name redacted] on 28 May 2008 at 16.29.

⁶⁶ The members of Management Board at the time of the arrests were the Vice-Chancellor, Sir Colin Campbell; the Registrar, Dr Paul Greatrix, Professor David Greenaway (the current Vice-Chancellor), Professor Karen Cox, Professor Alan Dodson, Dr Eleanor Duthie, Professor Christine Ennew, Professor Christopher Rudd, Professor Saul Tendler, Professor Bob Webb and Mr Chris Thompson.

the entire University community'.⁶⁷ Management Board backed this up on 23 May 2008 by saying: 'We can assure you that the facts of the matter have been communicated accurately...by the University'.⁶⁸ Then, on 27 May, Management Board declared that it had 'a responsibility to ensure all staff and students receive an accurate account of recent events'.⁶⁹ (The word 'accurate', it will be noted, comes to assume a certain ubiquity). So the university community, it seemed, could certainly rest assured that what it was being told by the university were the 'facts', and that these facts were 'accurate'.

But in its desire to provide these accurate facts the university's senior management group, of necessity, had to become involved in a zero-sum game: the more it justified its own position and its own version of 'the facts' the more it had to undermine the position of others. In effect, these 'others' had to take the blame. In this case, it was Sabir and Yezza, and a number of those in the university who had come to their support.

One particular action by the Vice-Chancellor now dragged me into the whole contretemps. Three colleagues of mine in the School of Politics had been concerned enough to write a post-arrests article in the UK's leading university-sector journal, the *Times Higher Education Supplement (THE)*. They saw implications for academic freedom and freedom of speech in general if individual students were being arrested for 'possessing' material that was not only freely available to other students, but which was also freely available from their own university's library. Moreover, anyone could buy it if they just went to Amazon or borrow it if they went to a public library. The authors were also concerned about the vagueness of the messages that the university was putting out. The Communications Director, Jonathan Ray, had, for instance, originally said the *Al Qaeda Training Manual* was 'not legitimate research material'. He then later corrected himself, telling the *Education Guardian* that:

if you're an academic or a registered student then you have every good cause to access whatever material your scholarship requires. But there is an expectation that you will act sensibly within current UK law and wouldn't send it on to any Tom, Dick or Harry.⁷⁰

So a student can access 'terrorist material', but then not hand it on to anyone else? And this was part of 'current UK law'? So that made everything clear. Such behaviour was typical of the university at this point and seemed to be undermining what the three authors of this *THE* piece took 'academic freedom' and civic freedom to mean. The situation, they noted, seemed perverse and dangerous for both students and academics alike.⁷¹

The University of Nottingham's hierarchy was less than content with this article. Two weeks later, in the *THE* of 19 June, there was a rejoinder letter from Vice-Chancellor Sir

⁶⁷ Letter of Sir Colin Campbell to *THE*, 'Freedom still reigns', *Times Higher Education*, 19 June 2008, p.14.

⁶⁸ Portal Message, University of Nottingham, 23 May 2008.

⁶⁹ University of Nottingham Portal Message, 27 May 2008.

⁷⁰ Polly Curtis and Martin Hodgson, 'Student researching al-Qaida tactics held for six days', *Education Guardian* online at <http://education.guardian.co.uk/higher/news/story>. Taken from document held by University of Nottingham.

⁷¹ Dr Bettina Renz, Dr Alf Nilsen, Dr Vanessa Pupavac, 'The Nottingham Two and the War on Terror', *Times Higher Education*, 6 June 2008, p.12.

Colin Campbell. In this he said that the ‘claims’ made by my three colleagues were ‘entirely false and bear little relation to the facts’.⁷²

As a result of this letter, and by way of demanding an explanation for such an accusation from their Vice-Chancellor, one of the three lecturers involved, Dr Alf Nilsen, wrote to his immediate superior - the then Head of the School of Politics, Professor Simon Tormey. He told him that ‘at the very least we should have an apology for what is an entirely unjustified claim by the highest authority of the university’.⁷³ I agreed. Thus far, and perhaps to my shame, I had taken no part in the protest activity on campus. However, this letter from the Vice-Chancellor critical of my three friends did get me energised. Sir Colin had basically called them liars. To be defamed thus by their own Vice-Chancellor (who was, at the time, the highest paid university vice-chancellor in the country) was simply unconscionable.

I myself then wrote a letter to the *THE* to complain about the Vice-Chancellor’s totally unwarranted choice of words.⁷⁴ This was, though, to be a missive with consequences. I came to be accused by my university of producing, quote, ‘high profile negative media output’.⁷⁵ I was now in trouble.

But with my dander now up, I also wrote to the Registrar to complain about several issues. The first was that he had announced in one portal message that, ‘Any references to “armed police” on campus are wrong...There were...certainly no guns’.⁷⁶ And the Communications Director, Jonathan Ray, had added: ‘They [sic] were never armed police on campus’.⁷⁷ This I thought was just plain daft. Of course the police were armed. These were counter-terrorism police officers; it goes with their territory. (What if they had been faced on campus by a suicide bomber when they got there – would they have drawn their truncheons and warned him as to his future conduct?) The university, by peddling such nonsense, was clearly trying to manage any ‘negative media output’ – but doing it very badly.⁷⁸ (Sabir, indeed, did later meet a police officer (whose badge number can be produced) who said that he had been on campus the day of the arrests and that he had been armed.)

Another portal message that offended me had it that:

⁷² Campbell, ‘Freedom still reigns’.

⁷³ Email of Dr Alf Nilsen to Professor Simon Tormey on 20 June 2008 at 13.28.

⁷⁴ Rod Thornton, ‘Nottingham: why I have to speak out’, *Times Higher Education*, 26 June 2008, p.13.

⁷⁵ ‘Security Report’, p.14.

⁷⁶ From email sent by Registrar to university on 23 May 23 2008 at 12.33.

⁷⁷ Although Jonathan Ray’s name is redacted in this email it is obvious it is him. From email sent by [redacted] to [redacted] on [redacted] at [redacted].

⁷⁸ I later saw an undated draft portal message prepared by the Registrar. This stated that, ‘There was no armed police involvement. Both the police and Counter Terrorism Unit have made this clear to *Times Higher Education* and other media outlets’. This last sentence did not appear in the final version. This is because, clearly, it was not true. Point 5 on Registrar’s draft portal statement, undated. In fact, and it only became clear in BIS documentation released over two years later, there were no weapons *drawn* in the actual arrests. The phrase used in a BIS report was: ‘no firearms were used during the arrests’. But the police *were* armed. Unattributed note given to BIS entitled ‘Nottingham University’, undated. The university, in fact, is very secretive about having armed police on campus. In the summer of 2010 police snipers with actual rifles were seen on campus as part of a large police presence; but no announcement was ever made as to why they were there. There were, though, reports of a ‘student gunman’ on campus.

Contrary to claims by some within the University, those involved have been contacted by the University at the most senior level of academic management responsibility and have indeed been offered support and an opportunity to discuss recent events in detail.⁷⁹

I took issue with this because neither I, nor the other two lecturers who I knew at the time had been interviewed by the police, had been ‘contacted’ by *anyone* in the university. And certainly, Sabir and Yezza had not. They had been left, unvisited and unsupported, in a police cell for six days. This portal message had also tried to play down the whole issue of the arrests and the police presence on campus. It had all been ‘low-key’, this message had said. I wrote to the Registrar to say that it was hardly ‘low-key’ for Yezza, Sabir and Sabir’s family.

These early portal messages, with their evident pro-university spin, gave me the first inkling that the ‘University of Nottingham’ was not quite behaving as it should. I had no idea then, though, that this was merely the thin end of a very much larger wedge.

The ‘collective decision’

There was another debateable aspect to these messages being put out on the portal by senior management in the weeks after the arrests. This related to who had actually called in the police. In defending the university’s position, Sir Colin, in one of his ‘factually accurate statements’, had described the institution’s response to the original finding of the documents in his letter to the *THE*: ‘

We became concerned. The University had to make a risk assessment - no panic, no hysteria, just a straightforward risk assessment...Our concerns were conveyed to the police as the appropriate body to investigate (no judgement was made by us)’.⁸⁰

(This latter statement - ‘no judgement was made by us’ - comes to develop a certain piquancy as events progressed.) Indeed, elsewhere both Vice-Chancellor and Management Board talk of a ‘collective decision’ to call in the police after a ‘risk assessment’ has been conducted by, quote, ‘The Vice-Chancellor, Registrar and senior management of the University [who] decided the police were the only appropriate investigating authority’.⁸¹

This, though, was a lie. There had been no ‘risk assessment’. There had been no ‘collective decision’.

Official university documents make clear (as noted earlier) that the police had been called in either by senior security staff (Stuart Croy) without the Registrar’s knowledge, or the Registrar himself had ordered his security staff to do it. No-one else was involved. The Registrar records in his statement to the police (repeated in the Security Report) that

⁷⁹ University of Nottingham portal message of 23 May 2008, ‘Message to all concerned staff’.

⁸⁰ Campbell, ‘Freedom still reigns’. This mantra, ‘no judgement was made by us’ was obviously an official University of Nottingham message. It is also included in an email, for example, to the BBC from Jonathan Ray (Communications Director) to Tim Utton, Lindsay Brooke and Emma Rayner (of Radio 4) on 3 July 2008 at 10.47.

⁸¹ University of Nottingham portal message, 27 May 2008.

he alone had made the decision to call them in. (And the Security Report itself confirms this: 'The Registrar viewed the material and decided it was a matter for police attention'.⁸²) Moreover, the Registrar's actual written statement to the police was made a full week after the police were first called in. Thus it was made a full week after any 'collective decision' to call in the police - and after a 'risk assessment' - would have been made. Of course, if these two processes had occurred then the Registrar would have referred back to them in his police statement. But he makes no mention at all of any consultations; indeed, he seems to want to make it plain that *the calling in of the police was his decision and his alone*. He wants to take full credit; even a week later. There is much use of the first-person singular in his police statement: 'I can say...I can see...I think...', but there is no use at all of the first-person plural (in contrast to the Vice-Chancellor's letter to the *THE* above). The Registrar clearly notes: 'I had a duty to notify the police...I am responsible for the formation of policies and procedures within the University'.⁸³ Indeed, nowhere in his statement to the police does the Registrar make any mention of even so much as the Head of Security being involved in this decision-making process.

Indeed, Gary Stevens, the Head of Security, confirms this all in an email of 22 May 2008 to a raft of senior figures: i.e. the Vice-Chancellor, Sir Colin Campbell; the Registrar, Dr Paul Greatrix; the Communications Director, Jonathan Ray; the Director of Student Operations and Support, Stephen Dudderidge; the Head of Human Resources, Jaspal Kaur, and others. Stevens tells all these people: 'the Registrar quite rightly made the decision to report the matter to the Police through University Security'.⁸⁴ So the university hierarchy obviously *knew* that no risk assessment had taken place. They knew this because - obviously - they had *not* been involved in the decision. And they also knew because they had been *told* that they had not been involved. So we can say with no little certainty that *there was no collective decision and there was no risk assessment*. Only two people, at most, were involved in the decision to call in the police - the Registrar and the Head of Security (although with the Deputy Head of Security, Stuart Croy, being something of a joker in the pack).

So why, one might ask and given all this, did Management Board put out portal statements saying that they *were* involved in these processes? The Vice-Chancellor, let us remind ourselves, had wanted his staff to know what had 'actually happened'. He had 'authorised the release of factually accurate statements'.⁸⁵ And Management Board had said: 'We can assure you that the facts of the matter have been communicated accurately...by the University'.⁸⁶ And Management Board had said it had 'a responsibility to ensure all staff and students receive an accurate account of recent events'.⁸⁷ These statements - and no matter how many times the word 'accurate' was used in them - were not true.

But whereas the Vice-Chancellor was capable of telling public untruths, he had more difficulty telling a government minister something that was not factually accurate. The

⁸² 'Security Report', p.1

⁸³ Ibid.

⁸⁴ Gary Stevens (Head of Security) to Sir Colin Campbell, Paul Greatrix, Jonathan Ray, Stephen Dudderidge, Jaspal Kaur, et al, on 22 May 2008 at 14.43.

⁸⁵ Campbell, 'Freedom still reigns'.

⁸⁶ University of Nottingham portal message, 23 May 2008.

⁸⁷ University of Nottingham portal message, 27 May 2008.

minister in question was Bill Rammell, the then Minister for Further and Higher Education at the BIS. Sir Colin had told him in a letter that, ‘the Registrar, in discussion with our Head of Security, referred the matter to the Police’.⁸⁸ So the Vice-Chancellor was here confirming to the minister that the *only* person – if any – that the Registrar consulted before calling in the police was the Head of Security. This is much nearer the truth. And let us be clear again here: this was the highest-paid Vice-Chancellor in the country telling his university, the media and the public one thing – the ‘collective decision/risk assessment’ line - and yet to a government minister he is giving a completely different story. The former had been lied to, the latter told the truth.

This was the same Sir Colin Campbell who, it will be recalled, had earlier written to the *THE* to berate my three friends and to say that the article they had written was ‘entirely false and bore little relation to the facts’. He had wrongly accused them of not telling the truth, while in actuality he was the one guilty of not telling the truth. Sir Colin was a knight of the realm.

Sir Colin had also not even been entirely truthful to Mr Rammell. In his letter to him he refers to the original finding of ‘an electronic copy of an Al Qaeda Training Manual’. The first problem with such a statement is in the use of the article. It was not ‘an’ Al Qaeda training manual, it was ‘The’ *Al Qaeda Training Manual*. There is a world of difference between the two. The former implies a manual used to train Al Qaeda operatives, while the latter refers to a freely available library book. Thus the minister was being given a false impression.

This misuse of the article in this instance comes to have profound and, for Rizwaan Sabir, life-changing consequences. For, having told the minister that it was ‘an’ Al Qaeda training manual then it comes as no surprise that this ‘offending’ document subsequently comes to be called ‘an AQ training manual’ by both the BIS and by the Home Office.⁸⁹ And that Mr Rammell comes to refer to the presence of ‘extremist materials on campus’ at the University of Nottingham.⁹⁰ And the Home Office also uses the phrase ‘an Al Qaeda training manual’ because, presumably, Sir Colin was just as cavalier with the actualité when he wrote to the Home Secretary, Jacqui Smith, as he had been in writing to Mr Rammell. (Evidence exists to show that Sir Colin did write to the Home Office as well, but his letter to the Home Secretary has not been made available.) And, of course, Sir Colin had also not deigned to mention to Mr Rammell (and presumably to the Home Office and Jacqui Smith) the fact that ‘the’ *Al Qaeda Training Manual* was also available as a library book in his own university. Why did he not do this?

Mr Rammell was also told by Sir Colin that since Sabir was ‘not an academic...there are no issues of academic freedom’ involved in the case. But if Rizwaan Sabir was being told that it was ‘illegal’ for him - and only for him - to use a library book that was freely available to all other students in the University of Nottingham and across Mr Rammell’s entire university sector and, indeed, to anyone in the country, then the issue actually raised *is* one of something much more serious than any infringing of academic freedom, it is that of a university denying freedom *per se*.

⁸⁸ Letter of Vice-Chancellor Sir Colin Campbell to [name redacted – but Bill Rammell] dated 9 September 2008.

⁸⁹ ‘Nottingham University. Background’. Document released by Home Office, undated, p.11. ‘Nottingham University. Background’. Document released by BIS, undated, p.2.

⁹⁰ BIS document, ‘Lines to take [to the media] on recent Nottingham arrests’, undated.

A pre-judgement

This aspect of the university not telling the truth about having conducted a risk assessment is not some piece of esoteric trivia. Its absence meant that two innocent men ended up in custody and have had their lives forever scarred. The University of Nottingham was legally obliged to carry out a risk assessment in order to show it was discharging its statutory duty of care. Indeed, the university had also ignored the guidelines of Mr Rammell's government department. A BIS publication had already mandated how universities should react when faced with a situation such as the one that presented itself at the University of Nottingham. This publication, with the minister, Bill Rammell, himself writing the foreword, was called 'Promoting good campus relations, fostering shared values and preventing violent extremism in Universities and Higher Education Colleges'. This document made the point that:

It is vital that students and staff are able to research violent extremism, its causes and associated literature. However, the law sets boundaries regarding publications that may promote or incite violence. Universities with concerns on whether the content of a publication may break the law should seek legal advice.⁹¹

Two things are obvious here. The first is that the government is establishing that 'violent extremism...and associated literature' needs to be researched. Hence, so does material like the *Al Qaeda Training Manual*. The second point is that the University of Nottingham, before calling in the police, should have sought legal advice. The Registrar clearly did not do so before he called in the police. The university thus did not follow government guidelines.

Mr Rammell's guidelines also make clear that universities should have in place a 'risk management process' for dealing with just such an incident as the one at Nottingham. This is so that UK universities conform to the European Convention on Human Rights (ECHR). And in order that universities do conform they must 'demonstrate that: the decision has been reached after careful consideration...[and is]...based on evidence'.⁹² The Registrar, in his 'decision' to call in the police, clearly could not 'demonstrate' this. The university thus, it would seem, contravened the ECHR.

Furthermore, these government guidelines go on to say that:

In essence, any action taken must be a reasonable response to the perceived or actual threat and must be proportionate to the situation. HE [Higher Education] institutions need to be able to show that any decision has been based on consideration of all available information and is sound.⁹³

⁹¹ Department for Innovation, Universities and Skills (DIUS – now BIS), 'Promoting good campus relations, fostering shared values and preventing violent extremism in Universities and Higher Education Colleges' (2008), p.12.

⁹² Ibid, Annex C: 'Legislative Framework', p.24.

⁹³ Ibid.

The Registrar clearly did not follow such direction before he called in the police. He did not ‘consider all available information’, and therefore his decision cannot have been ‘sound’.

And here is why senior management were so anxious to say that a collective decision had been made, and a risk assessment conducted. They needed to show that they were both following government guidelines and were operating in accordance with the ECHR. Indeed, with their duty of care in mind, they knew it would have been criminally negligent of them not to have followed the above guidance.

But the other question here is that if Mr Rammell was told by the Vice-Chancellor that ‘the Registrar, in discussion with our Head of Security, referred the matter to the Police’, he was basically also being told that his own departmental guidelines (for which he wrote the foreword) had not been followed.⁹⁴ Where was the evidence that the University of Nottingham had sought ‘legal advice’? Where was the evidence they had enacted a ‘risk assessment process’? Where was the evidence that the decision to call in the police was ‘based on consideration of all available information’ and was ‘sound’? The University of Nottingham had just basically ignored Mr Rammell’s guidelines and yet he seems unconcerned. One of his ‘lines to take’ with the media was that he should say that ‘Nottingham University staff acted responsibly’.⁹⁵ Really?

The university had also said that ‘no judgement was made by us’.⁹⁶ When I first saw this statement the phrase ‘methinks they doth protest too much’ came to mind. What it meant, of course, was that they *had* made a ‘judgement’. In fact the university hierarchy had done more than this; they had made a ‘pre-judgement’. And this brings us back to the quotation used at the beginning of this article. The university’s pre-judgement was exactly the type that Canon Giles Fraser, the Canon Chancellor of St Paul’s Cathedral, and in discussing Islamophobia in this country, had warned about. He wrote that ‘The very point about a pre-judgement is that it is a conclusion reached before the complexity of the world is allowed to make any difference. The facts are forced to fit a pre-formed picture’.⁹⁷

Sabir and Yezza had clearly been pre-judged. The security staff, the hierarchy and the Management Board of the University of Nottingham already had their ‘pre-formed picture’. They had their own ‘orthodoxy’. Their presumption was *not* that the three documents found were harmless and could be explained away innocently once a few questions had been asked; rather their presumption - but without any background supporting context - was that these *were* actually dangerous documents that *were*, quote, ‘illegal’ and had ‘no valid reason to exist whatsoever’.

But, of course, the university hierarchy and its Management Board could not publicly admit to the fact that they were involved in a pre-judgement. They had to create a picture of a university in control of events; making measured, reasoned decisions that included a proper risk assessment. Thus the University of Nottingham had good cause to engage in this series of fabrications that indicated that they *were* following government guidelines.

Of course, and despite his statement to the police and despite its being replete with the use of the first person, the Registrar - and for public consumption – comes later to follow

⁹⁴ Letter of Vice-Chancellor Sir Colin Campbell to [name redacted – but Bill Rammell].

⁹⁵ BIS document, ‘Lines to take on recent Nottingham arrests’, undated.

⁹⁶ Campbell, ‘Freedom still reigns’.

⁹⁷ Fraser, ‘Islamophobia is the moral blind spot of today’s Britain’.

the party line. In many future emails and portal messages, either as an individual or as part of Management Board, the Registrar adopts the ‘risk assessment/collective decision’ version of events. For example, in an email to the author in June 2008 he stated, in regard to the original calling in of the police, that, ‘In the situation *we* were forced [sic ‘faced’] with *we* had to make an assessment of the risk to our staff, our students and the wider community’.⁹⁸ So *now* the first-person plural appears.

As has been noted, the Registrar’s statement to the police, in which he avers that it was his decision alone to call them in, appears in the aforementioned post-arrests Security Report. Such a report was also available for Management Board’s perusal. This heavily redacted report is undated but it is clear it was written in late June 2008 – some weeks after the arrests. Remarkably, though, while confirming that it was the Registrar who had made the decision to call in the police, the report then goes on to contradict itself by listing what had been presented to the outside world by Management Board in its portal messages – including those stating that the calling in of the police *had* been a ‘collective decision’.⁹⁹ So one activity described in this Security Report was flatly contradicting another. This seemed, again, to verge on the bizarre. Here in this Report was confirmation - but in writing – of what Management Board knew anyway: that they were not telling the truth. But what sort of stupidity is it that leads to reports (like this one) being written which confirm that Management Board had been lying?

The Vice-Chancellor, the Registrar and the whole of Management Board – at the very least – would appear to be involved in an operation to mislead both the personnel of the university and the outside world more generally. The front they presented of a considered response hid the actuality of a panicky, knee-jerk reflex informed by a pre-judgement. Prior to the calling in of the police, no checks at all had been made. This was unfair on Sabir and Yezza. They had a right to expect better given the duty of care the university owed them.

And senior management’s fabrications did not end with who did or did not call in the police. In fact, a series of further falsehoods came to appear on the university’s portal.

The portal statement of 9 July 2008

For reasons of space here I cannot go through all the portal messages with all their obvious ‘inaccuracies’. I will, though, give just one example of a portal statement put out to the university community by Management Board. This is from 9 July 2008. It sets the general tone and establishes leitmotifs for the behaviour of the university’s hierarchy for the next two years and more.

Now some weeks after the arrests, the message of this date clearly shows the university becoming ever more defensive. Management Board made the mistake that many institutions do when faced with issues that might damage their reputation: they tried too hard to defend themselves. The Board now wanted (using the fatal phrase) ‘to note a few additional points’ regarding the situation surrounding the arrests. The first ‘point’ related to ‘terrorist materials’. ‘It is clear’, this portal message read, ‘that there is no “right” to access and research terrorist materials’. But no-one had ever said that the case of Sabir and Yezza involved ‘terrorist materials’. The police had not; they had never

⁹⁸ Stresses added. In an email to the author of 24 June from Dr Paul Greatrix (Registrar) entitled ‘The Case of Rizwaan Sabir’.

⁹⁹ ‘Security Report’, p.13.

referred to any 'terrorist materials'. So why now was the university? The police, in their post-arrest letter of advice to Sabir, had said that the *Al Qaeda Training Manual* 'contains information of a kind likely to be useful to a person committing or preparing an act of terrorism'. In such phrasing the police were employing the catch-all description often used in such circumstances. It is a description that can include the likes of train timetables, hair bleach or photographs of everything from shopping centres to London buses. The possession of all these have led to arrests under the Terrorism Act 2000. The vast majority of those arrested, though, including foreign tourists in London, were completely innocent. The university's Management Board were taking the words of the police and spinning them to aid their own defensive stance; to suit, in essence, their own orthodoxy. The university community was basically being told that these two men had possessed 'terrorist materials'. This was simply not true. They had 'possessed' three documents from their own university's library. There is something of a difference.

Secondly, this portal statement notes that 'It is clear that there is no "right" to access and research terrorist materials...This is the law and applies to all universities'. This is itself not true. *Everyone* in the UK has the right to 'access and research terrorist materials'. This was confirmed by the Court of Appeal judges led by the Lord Chief Justice in a judgement of 13 February 2008 (the 'Bradford Case'). He said that any member of the public had a 'right', not only to 'access' terrorist materials, but also to 'possess' them. His judgement made clear that 'the intention of the legislation [the Terrorism Act 2000] had been to criminalise possession of items that might be used in making a bomb', not mere 'literature'. According to the judgement, 'Literature may be stored in a book or on a bookshelf, or on a computer drive, without any intention on the part of the possessor to make any future use of it at all'.¹⁰⁰ The crime would only come if someone then went on to use such literature to plan or to execute a terrorist act. Until that happens all literature remains benign and free for anyone to use. The *Al Qaeda Training Manual* is mere literature (and, moreover, does not tell 'terrorists' how to make a bomb). Hence, even if we were not talking about a library book here, Sabir had a perfect right, if he wanted, to send actual 'terrorist materials' to Yezza, and Yezza had a perfect right to store those 'terrorist materials' on his 'computer drive'.

It must also be pointed out here that one of the items of literature that the Lord Chief Justice was specifically referring to in the Bradford Case was none other than this very same *Al Qaeda Training Manual*. Thus the highest legal authority in the land had judged that anyone in the UK could 'possess' - specifically - the *Al Qaeda Training Manual*. So why, one might ask, was the university's hierarchy, having taken - it said - legal advice (after the two had been released), telling its employees and students something that simply was not true? These legal advisers must have been aware of the Bradford Case; the judgement in question had, after all, only occurred some three months before the May 2008 arrests.

The university carried on with its own particular take on the law in this portal statement of 9 July. It described the legal advice it says it had received: 'We have been advised that the document in question was one which others have been arrested and

¹⁰⁰ Sean O'Neill, 'Terror law in tatters as extremists go free', *The Timesonline*, 14 February 2008, at <http://business.timesonline.co.uk/tol/business/law/article3365890> accessed 16 June 2009.

prosecuted for possessing’. This again was not true. No-one has ever been arrested and prosecuted for possessing, on its own, the *Al Qaeda Training Manual*.¹⁰¹

Much later, and on this issue, I made a request under FoI legislation. I asked the university to produce evidence of the legal advice it says it had received. The university failed to produce any such evidence, saying this advice was protected by ‘legal privilege’. However, this particular protection should not have applied in this case as the advice itself had already been made public, i.e. we all knew what the advice was since the university had told us. I just wanted to know where such erroneous advice had come from. I then asked Robert Dowling, the university’s Data Protection Officer and Management Board member, for confirmation that such legal advice actually existed (as he is required to do by the FoI legislation). He wrote to say that the legal advice did exist but that he had not seen it: ‘It is not my responsibility to see the information...’¹⁰² So how, then, can he say it exists? Rizwaan Sabir has also used both FoI and DPA requests to try to gain access to this same legal advice and to find its source. He was likewise turned down.

The gospel according to Management Board

Later in this 9 July portal statement we come to yet another twisting of the facts by the university. This relates to the abovementioned letter given by the police to Sabir on his release on 20 May. ‘In seeking clarification’, the portal message noted, ‘about the contents of this letter from the Police we also sought further information about the nature of the “Al Qaeda Training Manual”’. But there was something wrong here. It had been the case, at the time of the arrests, that it was the police themselves who were looking to university personnel to pass judgement on the *Al Qaeda Training Manual* – hence the hunt for Professor McGuirk and the use of his ‘judgement’ in the police’s first note to Sabir’s lawyer. It was a *university* judgement that had led to the arrests – not a police one. Now Management Board was turning this around and giving the impression to the university community that it was the university hierarchy that was looking to the police for ‘advice’.

And then there is the passage in this portal message:

One specific comment relates to the letter of advice issued to Rizwaan Sabir by the Police following his release in which it is made clear that there were no grounds for him to be in possession of the “Al Qaeda Training Manual”.

This ‘comment’ makes it sound as if it was the police who were ‘making clear’ the ‘grounds’ in their letter of advice (the existence of which the vast majority of personnel in the university would be unaware of). The police, of course, had actually written (stresses added) that:

The *University authorities* have now made clear that possession of this material is not required for the purpose of your [Sabir’s] course of study

¹⁰¹ University of Nottingham portal statement, 9 July 2008.

¹⁰² Letter to author from Robert Dowling, University Data Protection Officer, 28 May 2010.

nor do *they* consider it legitimate for you to possess it for research purposes.

The police themselves were passing no judgement. They had made it clear that it was the university – alone – that was doing that. Management Board, in its portal statement was, however, making it appear as if the police were responsible. Thus Management Board had not only imparted a little of their own particular spin to events, they were well on their way to creating a whole new reality. Again, we have to revisit Sir Colin's assertion that he was telling his university what had 'actually happened', and that he had authorised the release of 'factually accurate statements'. And we remember Management Board saying: 'We can assure you that the facts...have been communicated accurately'.

Next in this same portal statement comes the university's assertion that, 'Different versions of the "Al Qaeda Training Manual" exist but in this case the document was an operational or tactical manual rather than a political or strategic document'. Here, it seemed, was the analysis I had given to the police coming back at me – but in a very different form! And also in a form that was not true. All versions of the *Al Qaeda Training Manual* (and the only difference between them relates to what has been left out) contain the same mix of political, strategic, religious, operational and tactical guidance. The version that had led to the arrests was in no way any more 'tactical' than many other versions and, of course, the most 'tactical' version available (because it has *nothing* removed) is the one on the shelves of the University of Nottingham's library.

The university was itself, like the FBI in the past, clearly trying to 'sex up' this document - or at least the version that had led to the arrests. The particular version of the *Al Qaeda Training Manual* involved here, said the university in this portal statement, was 'significantly different from documents with the same title which are listed by some online booksellers'. This was also blatantly untrue. The version that was found on Yezza's computer, which the police said (according to the Registrar) was taken from the US DoJ website, is *chapter for chapter, page for page, and word for word* exactly the same as the only version then available on Amazon: that is, the book by Pavilion Press (at 145 pages). And this version (US DoJ and Amazon) is, moreover, and I repeat, significantly *shorter and less detailed* than the one I obtained later on inter-library loan. *Thus, and it bears repeating until I turn blue, the fullest version of the Al Qaeda Training Manual, and the one with the most 'operational' and 'tactical' contents, always was - and still is - the version available from the university's own library.*

At this juncture it is probably useful to confirm that it *was* the US DoJ version that Sabir had downloaded and sent to Yezza. In the Security Report, the Registrar states that he had 'been informed, in confidence, that the version of the Al Qaeda training manual held by Yezza was obtained from the US DoJ website'.¹⁰³ Sixteen months later, in November 2009, we find out who this 'confidential' source was. This confirmation came in an inquiry (instigated by myself) into the Registrar's behaviour (see below). This was conducted by the university's Chief Financial Officer (CFO). In his report it was noted by the CFO's investigator that the Registrar had 'stated that he had been informed by the Police that the version of the AQTM held by [name redacted, but presumably Yezza] was obtained from the US Department of Justice web site'. So we have here confirmation that

¹⁰³ 'Security Report', p.8.

the version of the *Al Qaeda Training Manual* that led to the arrests was, definitively, that from the US DoJ website.

The *Al Qaeda Training Manual*, and despite what members of the university's senior management might suggest in its use of the word 'tactical', does not, as has been said, contain instructions on how to make a bomb. In regards to 'bombs', all the manual does is merely to warn of the care needed in employing detonator cord and blasting caps (neither of which today's Al Qaeda-inspired terrorists use). The manual does not refer to the actual making of 'explosives' at all. If the *Al Qaeda Training Manual* did have instructions on how to make bombs from hair bleach and pepper (or diesel and fertiliser or whatever) then it would be a different matter. But it would then not be published as several books and be on numerous US government websites. Indeed, the man responsible for investigating the 7/7 and 21/7 bombings in London, former Metropolitan Police Assistant Commissioner Andy Hayman, provides more information on bomb-making in his recent book, *The Terrorist Hunters*, than does the *Al Qaeda Training Manual*.¹⁰⁴ The benign nature of this document is the reason why it is also available as a library book and is on Amazon – because it simply does not give any information that can be of any real use to terrorists; or certainly no more information than a train timetable or a violent film. If only this *was* the *Al Qaeda Training Manual* – then we would all have nothing to fear from Mr bin Laden and his friends. This is a document that is so dated that it even talks of the use of 'quill pens'!¹⁰⁵ And it never once, for instance, mentions computers. Indeed, under 'communications means' it talks of 'some modern devices, such as the facsimile machines and wireless'!¹⁰⁶ The *Al Qaeda Training Manual* is hardly the stuff of today's super-terrorist.

The 9 July portal statement

Just taken on its own as an example of a portal message this version of 9 July 2008 is illustrative of the fact that Management Board was not only twisting the words of the police to suit its own particular orthodoxy, but it was also engaging in outright falsehoods. There is barely a word of truth in this one portal statement. It was all done to make the university look innocent, and Sabir and Yezza to look guilty. The university hierarchy was portraying the institution as a bystander; an innocent body caught up in a situation not of its making. And again the use of certain language is giving the impression that the two innocent men - Sabir and Yezza - are somehow, and at the very least, 'mixed up' in some nefarious activity. And while the university was able to defend its own position, using the likes of this portal system with its own version of 'Newspeak', Sabir and Yezza - two perfectly innocent men - did not have the benefit of such an organ to make any kind of defence against the accusations, slurs and insinuations being targeted at them by the hierarchy of the University of Nottingham.

Senior management's reticence

¹⁰⁴ Andy Hayman, *The Terrorist Hunters* (London: Corgi, 2010).

¹⁰⁵ Under 'Considerations when using secret ink', it is stated that the 'brother' should not 'press with the pen or quill on the paper so that the imprint of the writing doesn't show'. Lesson Thirteen 'Secret Writing and Ciphers and Codes', second page of this chapter. No page numbers. Anonymous, *Al Qaeda Training Manual* (Milton Keynes: Books Express 2010)

¹⁰⁶ Anonymous, 'Fifth Lesson', *Al Qaeda Training Manual* (New York: Pavilion Press, 2006), p.32.

My questioning of what exactly went on in the University of Nottingham in regard to the arrests led to disciplinary action being taken against me. I had to be punished because, it would seem, I was not following the orthodoxy. In fact, like Winston Smith in George Orwell's *1984*, I was clearly displaying 'symptoms of unorthodoxy'.¹⁰⁷ This seems to be expected. As Hannah Fearn recently pointed out in the *THE*, there is, at universities in the UK, an increasing 'consensus which treats principled dissent as a thought-crime' and 'most worryingly, the replacement of truth by loyalty as the prime institutional value'.¹⁰⁸

I asked the Registrar to appear at one of my disciplinary hearings to explain how such portal statements as the one above came to be made. I was told he was not 'a relevant witness', and so could not attend. I asked the Registrar and others in the university hierarchy - using FoI legislation - to produce the information on which the statements made in this portal message and its like were based. I did not get far. One of the problems here may have been the fact that all FoI and DPA requests to the university go through the Registrar's Department. The Registrar himself has the right to look over all emails, other communications and notes that are scheduled for release. The Registrar, moreover, has released hardly any emails that he himself sent in regards to the overall situation. It seems that the Registrar, the man who himself says he is 'personally responsible for the formation of policies and procedures within the University', dealt with the case of the arrests on campus and all the subsequent fallout by sending out only a handful of directing emails. It also seems to be remarkable that he is responsible for staff discipline within the university and yet managed to deal with the series of disciplinary actions against myself without once sending or receiving any emails related to them. I made a complaint about the lack of material released by the Registrar to Mr Dowling, the university's Data Protection Officer. I was then rewarded with the release of *just one*, inconsequential, extra email sent by the Registrar. On the other hand, the Registrar had earlier handed over an email of mine (without an FoI request) to two other academics in the university (Drs Macdonald Daly and Sean Matthews – and more of these two later) who then used it to make (groundless) accusations against me. So the Registrar, it seems, kept back his own emails but freely distributed mine. Both actions, of course, contravene the university's statutes.

I and others recognised that there was a clear problem in the University of Nottingham. We thought that some negotiations with senior management might be beneficial. A week or so after the arrests, I, in my capacity as the university's 'expert' on terrorism, asked the Registrar (as did others) if he would engage in some discussions. I wrote to him saying, 'we all need to sit down and talk about this so that we can apprise senior management of various points and issues that you seem to be unaware of.'¹⁰⁹ He refused to see me. The Registrar and members of Management Board were also invited to attend open fora on campus where the case of the arrests was to be discussed. All such requests were turned down. The reason given by the Registrar was that since Yezza, after his release from custody, was still facing immigration charges, his case was therefore *sub*

¹⁰⁷ Orwell, *1984*, p.26.

¹⁰⁸ Hannah Fearn, 'Too "tribal": a sector divided against itself cannot stand', *Times Higher Education*, 19 November 2010, p.6.

¹⁰⁹ Email of author to Registrar on 24 June 2008 at 13.21.

judice.¹¹⁰ As such, it was said, any discussions would be inappropriate.¹¹¹ Leaving aside the issue of whether *sub judice* actually applies in an immigration case, which is doubtful, we could still have had discussions without once mentioning Yezza's immigration situation – which, indeed, had nothing to do with the arrests on campus or the university's defensive portal messages. And, since Yezza's case dragged on until November 2009 (final verdict: leave to remain in the UK), no meeting ever took place with the Registrar or anyone else in senior management. I also asked to see the (current) Vice-Chancellor, Professor David Greenaway about the issue. He likewise would not see me.¹¹²

The Registrar, with the reason he gave for refusing to meet his staff, was actually not telling the truth. This became clear nearly three years later in a report (finally!) released from Mr Rammell's BIS. This made it clear that '*sub judice*' had nothing to do with senior management's failure to engage with junior staff and students. The BIS report noted that:

The university [of Nottingham] had chosen not to open discussions directly with staff and student groups because they feel that there is a real risk that this would escalate the issue.¹¹³

So the Registrar and members of Management Board would not meet to discuss issues with staff because 'this would escalate the issue'? This wording here is doubtless Nottingham speak for 'we had better not face anyone because we will be asked awkward questions for which we have no answers'. Whatever happened to the University of Nottingham's claim that it 'is committed to high standards of openness and accountability'?

The 'Security Report'

I referred earlier to this post-arrests Security Report prepared for Sir Colin Campbell and Management Board by the Head of Security and the Registrar. Apart from the issue concerning who first called in the police and whether or not a risk assessment had taken place, this report also displays some basic ignorance and engages in yet further untruths. In discussing the *Al Qaeda Training Manual*, for instance, it states that:

It is classed as a tactical document which actually contains specific detail on how to kill someone rather than the more strategic document, freely available from Amazon, that talks about strategy and the effects of

¹¹⁰ For instance, in an email of Professor Simon Tormey (former Head of School of Politics) he wrote to all his staff to say that: 'Despite positive indications from the Registrar at the end of the week, I was notified yesterday by the PVC for the Faculty (Chris Rudd) that no such meeting would be able to take place in the foreseeable future. This is due to the affair being 'sub judice'.' Email dated 27 May 2008 at 10.36.

¹¹¹ For example, in an email of 25 September 2008 at 19.20, the Registrar, in response to an invitation to attend a Roundtable on Academic Freedom, tells a Professor in Sociology and Social Policy that, 'It is important that you understand that, given the ongoing legal proceedings in relation to Mr Yezza, it would be quite inappropriate for any University representative' to attend. Also email (released under FoI) of Registrar to Dr Vanessa Pupavac, 4 July 2008 at 15.54.

¹¹² Email of Vice-Chancellor Professor David Greenaway to author 9 October 2008 at 16.46

¹¹³ Unattributed report released by BIS entitled 'Local Activity: Nottingham University', undated.

Terrorism. As an example the strategic document will tell you that a person can be killed by having their neck broken while the tactical document tells you exactly how to do it.¹¹⁴

This is, of course, unparalleled nonsense. The difference between ‘strategic’ and ‘tactical’ is instruction on how to break necks!? And a ‘terrorist’ needs to be told that someone can be killed by having their neck broken? Leaving aside such silliness we are still left with some gross fabrications. As noted before, the version of the *Al Qaeda Training Manual* that Sabir had downloaded from the US DoJ website and the one available from Amazon are *exactly* the same. (I have a print-off from the US DoJ website and a copy of the book to prove this.) So the authors of the above statement were not telling the truth. They also do not, of course, know the difference between strategic and tactical. The reference, moreover, to the breaking of necks is quite simply a figment of someone’s imagination. *No version* of the *Al Qaeda Training Manual* makes any mention of ‘the breaking of necks’. The authors of this Security Report were not telling the truth – again.

And so the orthodoxy in relation to the *Al Qaeda Training Manual* has truly taken hold. Jonathan Ray, the Communications Director, sums this up in an email he sent to other members of senior management. He criticises those in the university who were claiming that the *Al Qaeda Training Manual* was normal research material:

This is all based on their understanding that the material was benign online bookshop ideology, rather than the tactical document we now know it to be. There will be some debate about “it was still available online through a US government public website”, but being explicit about the text would be effective.¹¹⁵

Now management could be ‘explicit’. They knew all about this document; or rather they thought they did.

It is obvious that no-one writing this Report or anyone on Management Board had taken the time to actually read the *Al Qaeda Training Manual*. Why? Indeed, in November 2009 the Registrar stated in the abovementioned CFO’s inquiry that, ‘I haven’t looked at the copy of the AQTM...since I first saw it’ (i.e. in May 2008).¹¹⁶ He would have seen it first on the evening of the arrests. He did not read it through then (or the other two journal articles). We know this because in the Security Report the Registrar says he merely ‘scanned all three documents’ at that time (knowing intuitively, it would seem, and as he said, that they ‘had no valid reason to exist whatsoever’). So he did not read them in May 2008 and he was now saying (in November 2009) that he had not looked at the *Al Qaeda Training Manual* since. He also produces another admission in November 2009, saying: ‘I haven’t looked at the US Dept of Justice website either’.¹¹⁷ There is, moreover, no evidence that any other member of senior management had gone

¹¹⁴ ‘Security Report’, p.8.

¹¹⁵ Email of Jonathan Ray to Vice-Chancellor Sir Colin Campbell, Registrar Paul Greatrix, future Vice-Chancellor Professor David Greenaway, Professor Christopher Rudd, Professor Diane Birch, Gary Steven (Head of Security) on 7 July 2008 at 19.17.

¹¹⁶ From notes of interview conducted with Registrar by representative of Mr Chris Thompson, University’s Chief Financial Officer, 27 October 2009.

¹¹⁷ Ibid.

to the trouble of going to the library or to any website to check on what exactly it did contain. So how can the Registrar, the Vice-Chancellor and all the rest of Management Board go into print and say that the version Sabir downloaded was ‘significantly different from documents with the same title which are listed by some online booksellers’. How do they *know*? No-one, it appears, and certainly not the Registrar - who had said, ‘I have a highly responsible role regarding the reputation and running of our university’ - had checked. If he, or anyone, had checked then they would have found out that they *were* the same.

This university Security Report also records that the police handed both Sabir and Yezza a notice saying they had ‘material in their possession of a kind likely to be useful to a person committing or preparing an act of terrorism’. This is true, of course, but it means nothing. As has been noted, ‘material’ on how to find your way around a shopping centre or how to buy an Underground ticket would also be ‘useful’ to a terrorist. Context here is everything. And with Sabir and Yezza there was no context. There was no context that could have made their possession of the *Al Qaeda Training Manual* in any way suspicious. And again, it was *only* this *Al Qaeda Training Manual* that was labelling them as suspects.

The Security Report then immediately goes on to say that ‘Riswaan [sic] had admitted possession and transmission’. This was actually, in one sense, true. But it was again giving a false impression. The conjunction of the two above phrases - ‘possession of terrorist materials’ and admitting ‘possession and transmission’ - made it appear as if Sabir had admitted to ‘possessing and transmitting’ actual ‘terrorist materials’. All he had done, though, was to say, ‘yes, *mea culpa*, I admit to sending a copy of a library book and two journal articles over the university’s computer system’. So this Security Report was imparting an unwarranted and malicious spin.

It would surely not be too much to ask, with several people’s livelihoods and reputations at stake - let alone the reputation of the university itself - that at least one person in just one position of responsibility in one of the top universities in the country would have taken a moment to check a document that was causing so much *angst*. And this in a situation, moreover, *where it was the police who were relying on the university to make a ‘judgement’*. Again, Sabir and Yezza, at the very least, should have been owed that duty of care.

We see evidence here again of Canon Fraser’s ‘pre-judgement’ idea. ‘The facts’ seem to have been ‘forced to fit a pre-formed picture’.¹¹⁸ And, of course, the very fact that basic checks – such as reading this offending document – had not been carried out can only point to the fact that a pre-judgement *had* been made: there would be no need to verify what you already know. Why bother questioning what is patently the orthodoxy? It is as Orwell wrote, ‘Orthodoxy means not thinking – not needing to think. Orthodoxy is unconsciousness’.¹¹⁹

But would checks, one asks oneself, have been made if, to use the police officer’s words, this situation had involved a student who was ‘Swedish and blonde’? The question is rhetorical.

The Crown Prosecution Service

¹¹⁸ Fraser, ‘Islamophobia is the moral blind spot of today’s Britain’.

¹¹⁹ Orwell, 1984, p.56.

Perhaps the most serious aspect, though, of this university Security Report, relates to what the Crown Prosecution Service (CPS) did or did not say. There is mention in the report of a visit made by the Registrar and the Head of Security to a Nottingham police station on 20 May 2008 just prior to the two men's release later that day. Here the two met police officers and representatives of the CPS. The report notes that the CPS had decided not to pursue criminal proceedings against the two men. The report relates, in relation to the *Al Qaeda Training Manual*, that since Sabir had said:

That he had only sent it to Hicham [Yezza] solely for the purpose of obtaining free printing services the Crown Prosecution Service had somewhat reluctantly accepted that, at the time but not of course in the future, they [Sabir and Yezza] had a reasonable excuse for possession.

There then follows a rather strange sentence: 'This of course does have wide reaching ramifications, especially in relation to others who have been convicted, imprisoned, awaiting trial or appeal in relation to possession of an Al Qaeda training manual'.¹²⁰

I read this and thought it very peculiar. If we take the last sentence first. Just what would be the 'wide reaching ramifications'? Moreover, no-one has *ever* been convicted, imprisoned, put on trial, or involved in any appeal relating to just the (or 'an') Al Qaeda training manual. So we can ignore this last sentence. What is said here is just another invention of the Registrar and the Head of Security.

More importantly, though, and looking at the first sentence: why would the CPS think that it was acceptable for Sabir and Yezza to be in possession of what was, after all, a library book at the time of their arrests, but that they would not be able to access this same library book 'in the future'? Where had this bizarre logic come from? Why were Sabir and Yezza being, in essence, *banned* from accessing a piece of literature? Under what version of English Law was this allowed to happen?

I also thought it extraordinary that the CPS would commit themselves in such a manner; especially using the words 'reluctantly' and 'of course'. Such subjective language would run counter to everything the CPS stands for. Their lawyers do not deal in shades of grey: either the evidence is there or it is not. And if they have doubts then they do not share them with ordinary members of the public – such as Nottingham University's Registrar and Head of Security. I wrote to the CPS office in London that deals with terrorism cases and whose personnel were present at this meeting. It was confirmed to me by them in writing that 'CPS lawyers review cases in accordance with the Code for Crown Prosecutors. They do not "reluctantly accept" that people be charged or not charged'.¹²¹ And, in order that there be no opportunity to dispute the CPS's view, here is the full letter written to me by the Deputy Head of the Counter Terrorism Division of the CPS:

Dear Dr Thornton,

I refer to your letter dated 1 June 2010.

¹²⁰ 'Security Report', page number redacted.

¹²¹ Letter to author from [name withheld], Deputy Head of Counter Terrorism Division, Crown Prosecution Service, 9 June 2010.

As explained in my letter dated 26 May 2010 CPS lawyers review cases in accordance with the Code for Crown Prosecutors. They do not “reluctantly accept” that people be charged or not charged.

As previously explained the advice given was that there was insufficient evidence on the facts in this particular case to prosecute. Any future possession of the manual [AQTM] would be a matter for the police to investigate if they decided it was appropriate to do so.

Yours sincerely...

So the CPS had made themselves clear. And they were, moreover, definitively NOT saying that these two men would ‘of course’ not have ‘a reasonable excuse for possession...in the future’. They had a ‘reasonable excuse’ for possession when they were arrested, and they would have a ‘reasonable excuse’, according to the CPS, in the future. The Security Report and its authors, the Registrar and the Head of Security, had also simply invented this aspect of the CPS’s original verdict.

The seriousness of this issue is obvious. Two very senior staff within the University of Nottingham appear to have put words into the mouths of the CPS and, in so doing, basically labelled Sabir and Yezza as men who were to some degree guilty of being ‘terrorists’. Again, an orthodoxy was being created (invented) to suit the line of university management.

And, having once claimed that ‘no judgement was made by us’, here again was the university itself making a ‘judgement’, but actually saying that it was someone else’s ‘judgement’ – the CPS’s in this case. But surely these very senior academics on Management Board would have seen through this obvious anomaly and raised questions? We all know from watching any police drama on television how members of the CPS – or, indeed, American District Attorneys – behave. They simply do not give their personal opinions on cases to members of the public. Management Board must have known that what they were being told in this Security Report could not possibly have been true. But there is no record of any of the eleven members¹²² of this Board casting any doubts. Why? And surely the Professor of Law on Management Board, Diane Birch, would have brought the Registrar and Head of Security to task here? Why was I the only one to write to the CPS to try and verify what they had actually said? Why was I the only who cared?

Having a collective cover-up over who exactly called in the police was one thing, but this was quite another. This constituted a ‘sentence’ on the two men being passed by the university. Management Board’s acceptance of a CPS ‘verdict’ that could not possibly have been made must mean, one assumes, that Management Board were quite happy to go along with the line they were being spun. They, it would appear, assumed that Sabir and Yezza had some links to ‘terrorist’ activity and therefore had something to answer for. Here was the malign groupthink at work again.

¹²² Vice-Chancellor Sir Colin Campbell; the Registrar, Dr Paul Greatrix, Professor David Greenaway (the current Vice-Chancellor), Professor Karen Cox, Professor Alan Dodson, Dr Eleanor Duthie, Professor Christine Ennew, Professor Christopher Rudd, Professor Saul Tendler, Professor Bob Webb and Mr Chris Thompson.

All this, to my mind, and at the very least, was providing an excuse for the future harassment of Sabir - as he continued with his studies - by senior members of the university and, moreover, by those below them in the university rank structure who wanted to impress their bosses. The way to impress such bosses, as ever, was to display unqualified loyalty. This is what the institution most demanded of its staff: loyalty. But even Alexsei Stakhanov himself would surely have blushed if he had been witness to some of the zeal that was to be exhibited by a number of individuals in the university. Some positively fell over themselves to prove their own commitment to the orthodoxy of their lords and masters. This zeal was both astonishing and, to my mind, disgraceful.

Blame game

Big corporations and institutions will always try and avoid taking any blame when there is blame to be apportioned. There are always other, smaller, actors around who are conveniently available to do that. To the university, all of this furore cannot have been the fault of anyone on Management Board. And it could not, obviously, have been the fault of the police. So, apart from Sabir and Yezza, who was there left to blame? A convenient 'fall-guy' was found in the shape of the university's School of Politics. So let us now look at this particular aspect of the case – how a public institution tries to cover for its own mistakes by blaming (yet more) innocent parties.

The way the wind was blowing was clear from the Briefing Note written, again, by the Head of Security and the Registrar for perusal by the Vice-Chancellor and the rest of Management Board. It was composed slightly before the above Security Report (i.e. about six weeks after the arrests). This Briefing Note records:

It appears that, in this case, Riswaan [sic] Sabir was poorly advised and not supported by the School [of Politics]. There seems to be a view by some in his School that any material relating to Terrorism is legitimate for research, without any regard for the law. The cost of the absence of support for this student has been huge for him but also for staff in the University.¹²³

So now it was clear. The 'blame' could clearly be laid at the door of the School of Politics because some of its members did not provide 'support', and had no 'regard for the law'. However, the 'view by some in his School that any material relating to Terrorism is legitimate for research' was actually held by no-one I knew in the School of Politics – least of all by me. But it *was* a view held, of course, by the highest legal authority in the land: the Lord Chief Justice. And he, presumably, does have some 'regard for the law'. And, one might add, this 'view that any material relating to Terrorism is legitimate for research' was also the public view being expressed by *the university itself*. After all, the Registrar had said: 'The University fully embraces the principle of academic freedom, and believes that any material should be accessible where scholarship by academic staff or registered students in any University demands it'.¹²⁴ The Registrar had also told many staff and students in the university that, 'there is no

¹²³ 'Incident left over issues – note for VC', attached to 'Briefing Note'.

¹²⁴ Point 5 on Registrar's draft portal statement, undated.

“prohibition” on accessing terrorist materials for the purpose of research’.¹²⁵ And then, singing from the same hymn-sheet, there was Vice-Chancellor Sir Colin Campbell saying that: ‘There is no “prohibition” on accessing terrorist materials for the purpose of research’.¹²⁶ Of course, then there was the university’s Communications Director, Jonathan Ray, chipping in by saying: ‘if you’re an academic or a registered student then you have every good cause to access whatever material your scholarship requires’.¹²⁷ And he was also to add that, ‘It is in the character of this university that...all study is legitimate’.¹²⁸

So why, one asks, when it is clearly the university view that ‘any material relating to Terrorism is legitimate for research’ does this Briefing Note present an opposite view? How can, given all the previous pious platitudes, the Registrar and the Head of Security write - ‘There seems to be a view by some in his School that any material relating to Terrorism is legitimate for research, without any regard for the law’ – when this was also stated university policy? Thus we have a bizarre (sorry to keep using this word) situation where one and the same sentiment was being held publicly to be a laudable, ‘good thing’ by the university, while it was also being held privately to be a noxious, ‘bad thing’, and to be used as a stick to chastise internal School of Politics ne’er-do-wells. How can this be? Franz Kafka, it seems, was alive and well and moving among us at the University of Nottingham.

So it was all obvious. For internal consumption, and within the coterie of the hierarchy, the university was apportioning blame downwards and completely undermining the principle of academic freedom, while, on the other hand, and with its external image in mind, the university is producing all the right noises in terms of presenting itself as a supporter of academic freedom.

This Briefing Note becomes even more detailed. It goes on, rather convolutedly:

Although the inappropriate possession of the Al Qaeda training manual by a member of support staff [Yezza] should never be in question, it is worthy of note that the wording in [the police] notice for the student in relation to the University not considering it necessary for him to have it in his possession was not just solely based on the Registrar’s statement [to the police]. In addition to the Registrar’s statement the wording was arrived at by also considering many other aspects of the case, including statements taken from Academics in the School of Politics. Apparently, while some Junior Lecturers condoned possession, the consensus of opinion amongst the more Senior Lecturers [sic] was that possession was not necessary.¹²⁹

¹²⁵ Such as in an email to the author from Dr Paul Greatrix (Registrar) of 4 July 2008 at 15.54.

¹²⁶ Melanie Newman, ‘Researchers have no “right” to study terrorist materials’, *Times Higher Education Supplement*, 17 July 2009, p.5.

¹²⁷ Curtis and Hodgson, ‘Student researching al-Qaida tactics held for six days’.

¹²⁸ Jonathan Ray, University Communications Director quoted in ‘Student was “studying terrorism”’, *BBC News online*, 24 June 2008, at

<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/england/> accessed 30 October 2009.

¹²⁹ Ibid.

Ah, so it was not just ‘the School of Politics’ that was to blame but, more specifically, it was the ‘Junior Lecturers in the School of Politics’.

There is not only some more re-writing of history involved here, but also some more outright invention of it. No, there were not ‘many other aspects of the case’. Apart from the administrative staff in the School of Modern Languages, the only other members of university staff interviewed by the police were Professor McGuirk, the Registrar, another senior professor from the School of Modern Languages and three (junior) lecturers. That makes five academic staff and the Registrar. Two of the junior lecturers were in the School of Politics (myself and Dr Bettina Renz) and the other, Dr Maria Ryan, was in American Studies. That was it. No other academic staff were interviewed by the police.

The two junior lecturers in the School of Politics, Dr Renz and myself, *were never told*, at any point, by the police, the names of any of the documents in question – so how could we ‘condone’ possession in our ‘statements’ to the police? I only came to know the name of the principal document involved – the *Al Qaeda Training Manual* – about a week after Sabir’s release. And it was only some *eighteen months* later that I finally came to learn of the other two documents; i.e. the articles from *Foreign Affairs* and *The Middle East Policy Council Journal*. And yet, according to the Registrar and Head of Security, myself and Dr Renz had ‘condoned possession’ at the time!

The *only* academic interviewed by the police who knew the nature of the documents that had led to the arrests was Professor McGuirk – the man who told them it was ‘illegal’. The other professor in the School of Modern Languages had not seen any of the documents, but he was told by the police about the *Al Qaeda Training Manual*. He gave his opinion that, ‘having been made aware of some of the details’ that he would, basically, be very wary of it.¹³⁰ And, since no-one within the School of Politics - besides myself and Dr Renz - had talked to the police, then these so-called ‘Senior Lecturers’ in the School being referred to in this Briefing Note - the ones who had told the police that ‘possession was not necessary’ - were, again, a figment of the imagination of its authors, the Registrar and the Head of Security. They had simply made up these ‘Senior Lecturers’ as well.

What was being said in this Briefing Note was completely untrue. The actual wording of the police statement had been ‘arrived at’, of course, using the statements of the only two men who *knew* what the offending document(s) was (were) and had seen them: i.e. the Registrar and Professor McGuirk. And, anyway, how could either the Registrar or the Head of Security - the authors of this Briefing Note - know who said what to the police? *They had no access to the police statements*. Moreover, and in another twist, the Registrar himself once emailed the author in July 2008 to say that, ‘The Police interviewed a number of University Staff (although I don’t know who they were)’.¹³¹ Well, if he did not know who they were then how can he say, as is clear from this Briefing Note, that he *did* know who they were?

Moreover, across in that other document, the Security Report, the same sentiments are being expressed by its authors. It was pointed out here that the police took the action that they had based on ‘statements from witnesses [which] included the Registrar’s statement and statements from Academics in the School of Politics’.¹³² But since these

¹³⁰ Statement to police made by senior professor, School of Modern Languages. Source Rizwaan Sabir.

¹³¹ Email to me of 4 July 2008 at 15.54.

¹³² ‘Security Report’, p.1.

‘Academics’, i.e. the two junior lecturers, myself and Dr Renz, had given the police our evidence *after* the arrests had taken place, the only action that could have resulted from our evidence would have been that relating to the swifter release from custody of Sabir and Yezza. The action that the police did take – the arrests in the first place – could only have come from the evidence supplied by those university staff who had presented their evidence *before* the arrests, i.e. the Registrar and Professor McGuirk. (Although their actual formal statements were only collected by the police some days *after* the arrests on 14 May.)

All of this would appear to establish the latest strand of the orthodoxy. This is that if *the university* is in any way to blame then the responsible parties must be those at the very bottom of the food chain – the ‘junior lecturers’.¹³³ The guilt was now all being pointed at them.

I was always taught in the Army that with higher rank and higher pay came greater responsibility. Those with rank protected their juniors from blame, even when such juniors were at fault. Apparently, and shamefully, the very opposite philosophy seems to apply at UK universities.

Blame was also being apportioned in the corridors of ministerial power. Sir Colin had told Mr Rammell at the BIS where the problem lay. It was clear that Sir Colin thought the School of Politics and, by extension, myself were responsible. He wrote to Mr Rammell to say that, ‘Academic departments need to be clear about the implications of material they encourage their students to access’.¹³⁴ Since I was the only academic who had ever interacted with Sabir in regard to his research then I must have been the one doing the ‘encouraging’. But what Sir Colin wrote was not true. Where on earth had he got this impression from? No one in the university ‘encouraged’ Rizwaan Sabir to employ this particular source; least of all me. I did not know it even existed at the time. It was certainly not on any of my reading lists. The only possible ‘encouraging’ came either from undergraduate textbooks in the library of Sir Colin’s own university, from Wikipedia, or, as it turns out, from perhaps the world’s foremost authority on the study of terrorism – Rohan Gunaratna. Again, why was Sir Colin not telling the minister the truth? And presumably, in his missives to the Home Office (which I have not been made privy to) Sir Colin was also telling this office of state the same as he was telling the BIS. That is, he was telling them that academic departments were ‘encouraging’ students to access incendiary materials. That was very wrong of him. (More of the Home Office and BIS later.)

Forgive me here if I take a moment to register some displeasure that the former Vice-Chancellor of my university imparts information to ministries that unfairly blames my School, and myself in particular. It seems that a knighthood and a £300k-plus salary does not guarantee ethical behaviour.

Where blame does not fall

¹³³ One noticeable characteristic in both the ‘Security Report’ and the ‘Briefing Note’ is the hearsay aspect obvious in the use of words and phrases such as ‘Apparently...’; ‘It appears that...’, and ‘There seems to be...’

¹³⁴ Sir Colin Campbell, ‘Report on Recent Arrests at the University of Nottingham’, sent to Bill Rammell, Minister for Further and Higher Education, 9 September 2008.

The man who actually began this whole ridiculous situation was not, of course, to blame. In all of the university's documentation in relation to the arrests, the name of the Professor of Romance Languages, Professor Bernard McGuirk, is nowhere to be seen. The interview he gave to the police, where he says the *Al Qaeda Training Manual* was 'illegal', is never mentioned at all anywhere in any communication released by the university or in any reports. He has been completely airbrushed out of the whole drama. But his input should surely have been registered in the Briefing Note because, after all, it was *only* Professor McGuirk's name that figured in the original police notice to Sabir. This notice is also never mentioned anywhere in any subsequent university documentation.

Directed research

Even truthful statements in the above Briefing Note add to the sense that the junior lecturers in the School of Politics must be 'responsible'. It is stated, for instance, that 'Riswaan [sic – they never could spell his name] Sabir is following an MA in International Relations which does not include a specific requirement to examine such material'.¹³⁵ This would be patently obvious. Sabir was on a Research Track MA and was only taking core social science and social science research methods courses. It would be a surprise if any such research methods courses (Qualitative Methods, Quantitative Methods, etc) insisted that he did actually study the *Al Qaeda Training Manual*. The spin here is obviously that if he was not *specifically instructed* to look at this document then he has no right to do so. The logical extension of this would appear to be that university lecturers should say to their students that the only research 'materials' they can use in their courses are those actually listed in the course's reading lists. This would seem extraordinary enough, but how do dissertations or PhDs fit into such a logic? For it was such research that led Sabir to download the three 'incriminating' documents. Are postgraduate/PhD students in the UK of today supposed now to pick from a list of controlled sources for their studies? That would not only undermine the essence of higher education, but also be very silly. But did anyone in senior management stop to think about the stupidity of what was being said here in this Briefing Note? Obviously not.

There is a yet another problem with this Note in saying that 'the more Senior Lecturers [sic]' thought that 'possession was not necessary'? But how could *anyone* opine that a source was 'not necessary'? Especially anyone who was not an expert. If the foremost authority on the study of terrorism, Rohan Gunaratna, can say that the *Al Qaeda Training Manual* is 'required reading' for the study of Al Qaeda, who are some 'Senior Lecturers' at the University of Nottingham to hold contrary views? But since these 'Senior Lecturers' were, anyway, yet another figment of the imagination of the Registrar and the Head of Security then their opinions cannot really be seen to count for very much.

It is eminently clear that in both the Briefing Note and the Security Report evidence was being manufactured in order to pass blame down onto the 'junior lecturers'. Again, this is shameful behaviour.

¹³⁵ 'Briefing Note', no page number. This phrase is also present in 'Incident left over issues – note for VC'. That is, 'RS is following an MA in International Relations which does not include a specific requirement to examine such material'.

‘Research’ Ethics Committees

This next section involves the issue of research ethics committees being used as policing mechanisms within universities in the UK. If any reader wishes to skip back to Sabir’s case then please go on to page 53.

After Management Board had seen the Security Report and the Briefing Note they felt suitably informed about the *Al Qaeda Training Manual*. That is, they had all swallowed the obvious nonsense about the breaking of necks; the emphasis on tactics; the fact that it was not the one on Amazon, etc, etc. So now we have one member of the Board - the current Vice-Chancellor, Professor David Greenaway - coming to ask:

now that we have clarity on the nature of the Al Qaeda manual it would be reasonable to ask the question of whether access to it went through the Ethics Committee in the School of Politics and, if not, who gave permission for Mr Sabir to access it’.¹³⁶

Firstly, why did Professor Greenaway and the rest of Management Board not gain their own ‘clarity’ as to the nature of the offending documents by at least asking questions of the authors of the Security Report and the Briefing Note – or actually reading the document itself? Here we see evidence again of the malign groupthink: why question something everyone obviously agrees with? Secondly, the issue that Professor Greenaway is referring to here is - obviously - not one for any ‘ethics committee’.

University research ethics committees are set up to guide policies ‘relating *specifically* to research that involves or has any effect, directly or indirectly, on *human* participants’.¹³⁷ Thus research ethics committees only consider research that concerns ‘human participants’ – nothing else. For instance, as the University of Nottingham’s School of Psychology documentation puts it: ‘The School of Psychology Ethics Committee only deals with research involving human volunteers. Other kinds of research are outside its remit’.¹³⁸ It is not, and it cannot be, in any research ethics committee ‘remit’ to consider issues *not* relating to human participants. They are not designed to provide ‘permission’ for students to employ literature; let alone literature that is available both from US government websites and from their own university libraries.

But how is it that a man who comes to assume the mantle of Vice-Chancellor of one of the UK’s major universities not even know what research ethics committees are for? And he is not alone. The Registrar likewise wanted to employ the ‘School of Politics Research Ethics Committee...[in order to]...do everything possible to ensure that the University is not left in this position again’.¹³⁹ But both these men must know that their university says it takes its lead on the formation of its research ethics committees from the Economic and Social Research Council’s (ESRC) Guidelines.¹⁴⁰ These, in turn, are

¹³⁶ Email from Professor David Greenaway (future Vice-Chancellor) to Sir Colin Campbell (incumbent) and cc’d to 17 others dated 7 July 2008 at 16.39.

¹³⁷ Stress added. University of Nottingham, ‘Russell Group Models for Ethical Review’, 3.1.1 ‘Structure’.

¹³⁸ University of Nottingham, School of Psychology, ‘Ethics Committee From 2’.

¹³⁹ Letter of Dr Paul Greatrix (Registrar) to Rizwaan Sabir entitled ‘Meeting on 15th July 2008’, dated 4 August 2008.

¹⁴⁰ The University of Nottingham, in its ‘Proposal for University Research Ethics Committee, 2008’, p.2, states that the ESRC’s ‘Research Ethics Framework’ was to be ‘adopted as a framing structure for

based on the abovementioned UNESCO guidelines.¹⁴¹ The ESRC defines a ‘Research Ethics Committee’ as a:

multidisciplinary, independent, body charged with reviewing research involving *human participants* to ensure that their dignity, rights and welfare are protected. The independence of a Research Ethics Committee is founded on its membership, on strict rules regarding conflict of interests, and on regular monitoring of and accountability for its decisions.¹⁴²

Thus no University of Nottingham research ethics committee should be considering mere literature or reading lists as part of its remit.¹⁴³ In fact, if they did, this would be in contravention of the UNESCO guidelines mentioned earlier.

What is noticeable here, though, in Professor Greenaway’s above statement (and other staff come to make this same ‘mistake’) is the loss of the word ‘research’. The phrase ‘research ethics committee’ comes to be rendered simply as ‘ethics committee’. But universities do not and should never have ‘ethics committees’. The removal of the word ‘research’ can create a good deal of scope for abuse. For if universities had just ‘ethics committees’ then exactly what would be included in *their* remit? What - after literature - would be next for them to ‘control’? The monitoring of what lecturers taught? Staff behaviour? Student behaviour? Freedom of speech? ‘Research ethics’ is one issue, ‘ethics’ (and, crucially, *whose* ethics) is something else entirely.

Moreover, once more here we are being treated to one of those Kafkaesque contradictions that the University of Nottingham seems to revel in: if the current Vice-Chancellor, David Greenaway, was asking ‘who gave permission?’ then why was he party to Management Board statements that said ‘we [the university] embrace academic freedom and defend the research rights, anywhere, on any subject’.¹⁴⁴ And why did the Registrar and the previous Vice-Chancellor both say that ‘there is no prohibition on accessing terrorist materials for the purpose of research’?¹⁴⁵ So why would any student need permission? And permission to go to a US government website!

I later gave Vice-Chancellor David Greenaway a chance to take firm and decisive action to restore the reputation of both the University of Nottingham and of David Greenaway. He is, after all, not only the Vice-Chancellor of a Russell Group university, he is also the Deputy Lord Lieutenant of Nottinghamshire and a member of the Parliamentary Armed Forces Pay Committee. I provided him with *prima facie* evidence that both his Registrar, Dr Paul Greatrix, and his Head of Security, Gary Stevens, had both engaged in what looks very much like falsifying evidence against Sabir and Yezza. I

developing the principles of the University and as a guide for a detailed framework for research ethics review’.

¹⁴¹ UNESCO *Status of Higher Education Teaching Personnel* (1997).

¹⁴² Economic and Social Research Council, ‘Research Ethics Framework’, p.7.

¹⁴³ I had this problem in one of my disciplinaries. When I pointed out that ‘research ethics committees’ were only limited to ‘ethics’ involving human participants, I was told by a Dr Sarah Speight that this was not true. ‘No, it’s everything’, she said. At the same hearing Professor Sarah O’Hara said that it was ‘entirely appropriate’ that such committees would consider ‘any’ research.

¹⁴⁴ University of Nottingham portal statement of 23 May at 12.33, ‘Message to all concerned staff’.

¹⁴⁵ Portal Email to author 4 July 2008 at 15.54.

gave Professor Greenaway evidence that they had both been untruthful about what the CPS and the police did or did not say. I was thus presenting him with clear evidence that they may have committed criminal offences. Professor Greenaway, however, took no action against them.

Of course, what *did* follow was yet more disciplinary action against me after raising such issues.

The blame-game gets personal

The Registrar elsewhere also passed the buck to the School of Politics. They had not provided 'guidance'. In his meeting with Sabir the Registrar said he thought that he needed more 'guidance' in his research:

I do find it surprising that that a young and keen scholar...is essentially kind of pointed in the direction and asked to go and find things on his own without any kind of guidance as to the legal framework within which he is operating.

He went on: 'You were given no advice, direction or support in relation to any of the material you might want to access'. Sabir replied to this: 'Paul, postgraduate research is not about being spoon-fed. That's the whole nature of it. So, do I consult my tutor every time I access a book or a journal article?' ¹⁴⁶

The Registrar went on, 'If I were in your position, I would feel a bit let down [by the lack of guidance]'. So Sabir's 'supervisor' - who was, at the time of the arrests, yet to be appointed - was somehow supposed to provide 'guidance' in relation to some non-existent 'legal framework'? And what was any supervisor - even if one existed - supposed to say to Sabir: 'Don't go anywhere near those US government websites - especially that US DoJ one - they're full of bad stuff!' This did seem rather bizarre: to blame someone who did not exist who should have told Sabir not to use US government websites. Really? But, of course, since I was the one who had seen Sabir's proposals, I guess I must be the one the Registrar was blaming.

The Registrar was also adopting the same line as Professor Greenaway, i.e. why did the School of Politics not provide 'permission' from its research ethics committee? In his meeting with Sabir, the Registrar said: All I will say is that you need to take advice and the ethics committee within your School will no doubt have an interest in this now'. ¹⁴⁷ And in his later letter to Sabir he had, as noted, stated that this same 'School of Politics Research Ethics Committee...[will]...do everything possible to ensure that the University is not left in this position again'. ¹⁴⁸ The inference being, of course, that it was the School of Politics that had 'left' the university in 'this position' in the first place. Again, we have the idea that a research ethics committee is available to be used as some sort of policing mechanism.

¹⁴⁶ Transcript of meeting between Rizwaan Sabir, the Registrar, the Head of Security and Professor Andreas Bieler, 15 July 2008.

¹⁴⁷ Ibid.

¹⁴⁸ Letter of Dr Paul Greatrix (Registrar) to Rizwaan Sabir entitled 'Meeting on 15th July 2008', dated 4 August 2008.

But here was management's 'solution'. Here was the control mechanism that was missing, in their eyes, the first time. Research ethics committees were the answer. Sure enough, in the weeks after the arrests it became obvious that the School of Politics, and myself in particular, were being saddled with the responsibility. I was to be 'controlled' using an 'ethics committee'. My course reading lists - and mine alone (despite the fact that Sabir had not taken any of my courses!) - became subject to 'review' by the School of Politics 'Research Ethics Committee'. I refused, however, to accept this process. No research ethics committee was going to check my reading lists.

I pointed out that the document that acted as the guide for all the world's universities - the *UNESCO Status of Higher Education Teaching Personnel* (1997) - and to which the UK is obviously a signatory, mandated that 'Higher education teaching personnel are entitled to...freedom from institutional censorship', and that, 'higher-education teaching personnel have the right to teach without interference'.¹⁴⁹ I did not want my institution to 'censor' my reading lists, and nor did I want my teaching to be 'interfered' with.¹⁵⁰

Moreover, as an academic contracted to teach Terrorism and as an 'expert' on Terrorism I was the best person in the university to check my own reading lists. And, if the university did not trust me to control my own reading lists, then they should be finding someone else to teach my courses.

I was also not going to be the first academic in the country to accept that his reading lists should be 'monitored' by any research ethics committee. I was going to fight it because, to my mind, if such a process was not fought at its source then it could turn into a very much larger system of generalised monitoring of whatever took a university's fancy. We were advancing into Orwellian territory with these 'research ethics committees' that had morphed into 'ethics committees'. What was happening with this new process represented, to my mind, the thin end of another wedge.

My refusal to accept the checking of my reading lists led naturally to disciplinary action.

In the disciplinary hearing that followed it was explained to me why the checks were necessary. The process was enacted, I was told by my head of school, Professor Paul Heywood, because 'there was a need to reassure others that we [i.e. the School] were not simply allowing everyone to do as they liked [and that there is a] need for a control mechanism within the School'. 'If we', went on Professor Heywood, 'looked at reading lists within the School through our ethics committee then this would be an easy way of organising this'.¹⁵¹ He also said that, since 'the ethics committee existed', it would provide an 'easy and convenient' means to check my reading lists.¹⁵² So 'research ethics committees' - having been set up with all the guidelines set in stone that one could ever wish to see - had become nothing more than an 'easy and convenient' mechanism to 'control' a reading list. And what would they be 'easy and convenient' to 'control' next?

And the linguistic slippage was evident here as well. The word 'research' had not only been dropped by Professor Greenaway, it was now being dropped by Professor Heywood

¹⁴⁹ *UNESCO Status of Higher Education Teaching Personnel* (1997), p.3.

¹⁵⁰ It is ironic, perhaps, that these UNESCO guidelines had been established with the idea of ensuring that universities in the developing world could operate freely. They did not have in mind universities in developed world states; that they would follow such guidelines was a given.

¹⁵¹ Professor Paul Heywood. From Human Resources representative's notes taken at author's second disciplinary hearing, 6 November 2009.

¹⁵² *Ibid.*

as well. (Professor Heywood, in a host of subsequent emails and in a disciplinary hearing of mine only ever uses the phrase ‘ethics committee’.)¹⁵³

What Professor Heywood did not explain, however, was why my reading lists, and mine alone, needed ‘controlling’. Neither one of my courses, and so neither one of my reading lists, was in any way linked to the arrests. I was, moreover, not the only lecturer in the School of Politics who had courses related to terrorism. So why was I being singled out? Perhaps, though, this was my comeuppance for my ‘high profile negative media output’, and for showing those ‘symptoms of unorthodoxy’?

Of course, you could see the pious mantra coming. And this *did* arrive straight from Orwell. When I raised objections about this process I was told that it was only being done for my ‘protection’.¹⁵⁴ Just like, I suppose, Rizwaan Sabir and Hicham Yezza had been ‘protected’ by the University of Nottingham. And in just the same way as myself and the School of Politics had been ‘protected’ by the Vice-Chancellor in communications with the BIS and the Home Office. And just like the ‘junior lecturers’ in the School of Politics had been ‘protected’ by the Registrar and the Head of Security in their Briefing Note and Security Report. I could obviously do without such ‘protection’.

And once more the tension between competing statements was evident. If the university was saying publicly that, quote: ‘all kinds of views and all study is legitimate’;¹⁵⁵ that ‘we embrace academic freedom and defend the research rights, anywhere, on any subject’;¹⁵⁶ that ‘there is no “prohibition” on accessing terrorist materials for the purpose of research’; that Sabir was ‘arrested not for the research he was undertaking but because of his connection with [Yezza]’,¹⁵⁷ and if it is true that ‘this material [the AQTM] is of a nature which [is] defensible in terms of academic enquiry’¹⁵⁸ – then just why is it necessary for any university Terrorism course to be ‘controlled’?

Moreover, I was concerned that Professor Heywood, a mere departmental head, could bring in such a dramatic and academic-freedom threatening process off his own bat. He had said to me that it was, quote, ‘purely my idea’. When I challenged him in one of my disciplinaries, he said that any suggestion that the Registrar or the Vice-Chancellor (who had both wanted to see its introduction) had ordered this new process to be enacted was, quote, ‘completely untrue’. He also said, ‘I can assure you that my decision was autonomous’, and that it was ‘my own idea with no instruction’.¹⁵⁹ So Professor Heywood was saying he had taken his action without having consulted anyone in the hierarchy. He said that, ‘As a head of school I have the authority to do this’.¹⁶⁰ So a departmental head had the ‘authority’ to ignore a host of national and international guidelines? Indeed, this new and ground-breaking ‘policy and procedure’ had also

¹⁵³ For example in email to Professor Sarah O’Hara of 2 September 2008 at 16.23: ‘I asked the School ethics committee to have a look over Rod Thornton’s module outline...’

¹⁵⁴ Professor Heywood, told me in a disciplinary hearing that it was done, ‘Solely to provide some cover for you, Rod’, Transcript of disciplinary hearing, 6 November 2009.

¹⁵⁵ Jonathan Ray, University Communications Director quoted in ‘Student was “studying terrorism”’.

¹⁵⁶ This statement was used many times by the university. See, for example, University of Nottingham portal statement of 23 May at 12.33, ‘Message to all concerned staff’.

¹⁵⁷ Email to author from Dr Paul Greatrix (Registrar) dated 24 June 2008 at 11.45.

¹⁵⁸ Email from Dr Paul Greatrix (Registrar) to (name redacted) of 27 May 2008 at 13.14.

¹⁵⁹ Interview notes of Dr Sarah Speight with Professor Paul Heywood as part of disciplinary action against the author. Attached to letter to Professor Sarah O’Hara, 25 September 2009.

¹⁶⁰ Taken from transcript of disciplinary hearing of 6 November 2009.

slipped past the man - the Registrar - who had said he was 'responsible for the formation of policies and procedures within the University'.

Professor Heywood had, though, received advice. He said he had actually been given the idea to 'control' my reading lists by the School's Office Manager. She had, according to Professor Heywood, 'expressed some concerns [about the] reading lists' for my Terrorism courses.¹⁶¹ He added that my 'reading list was brought to my [Professor Heywood's] attention by the School Manager who expressed some concerns...I simply responded to an issue raised by our Manager'.¹⁶²

So the first-ever introduction of the controlling of the reading lists of a lecturer using an 'ethics committee' at a UK university had been adopted after the idea was first mooted by a School Office Manager (please add here either a question mark or an exclamation mark according to taste).

However, in the end, a School of Politics Research Ethics Committee was gathered together to check my reading lists that were already on file (I could not stop them doing that). But the process was something of a farce. First of all, how can anyone check an entire reading list? Are the members of the committee supposed to read all the books and articles therein? Do they go to every single website listed and wade through the (sometimes thousands) of pages on them looking for...what? And if they are not experts how would they know what was in any way 'inappropriate' (or whatever their criteria were for judging)? And what happens after the checking process is complete? The university has then, of course, made itself legally liable for whatever is now on these reading lists. There was just no logic to the process. (I had offered to put a legal disclaimer on the front of my reading lists to warn students – but this was not acceptable to Professor Heywood.)

And, naturally enough, when my lists were checked over, overarching guidelines for the constitution and conduct of 'research ethics committees' were not followed. My School just made up its own. Professor Heywood had seen the 'Guidelines for the Employment of Research Ethics Committees'. These reiterated that Nottingham's Research Ethics Committees would follow the guidelines issued by the above ESRC 'Research Ethics Framework' (REF) document. This, we were told in the School, was to be 'adopted as a framing structure for developing the principles of the University [of Nottingham] and as a guide for a detailed framework for research ethics review'.¹⁶³ But the stipulations of this document were, however, not followed.

This is something else that the University of Nottingham seems to accept as standard – the ignoring of official UK-wide (or at least England-wide) guidelines and the replacement of them by the university's own - mostly unwritten - guidelines. But the official national guidelines are there for several reasons; including to establish standard operation procedures and to advertise and make clear processes that any university will follow. But they also, crucially, establish legal parameters. It is not for individuals in

¹⁶¹ Professor Paul Heywood. Notes from hearing, 6 November 2009. The School Manager also 'asked that guidance for the School Manager and admin staff is provided for future [sic] in order to help identify such modules'. From Minutes of Management Group, 1 October 2008. Why the School Manager would need to 'identify such modules' is unclear.

¹⁶² Interview notes of Dr Sarah Speight with Professor Paul Heywood prior to author's disciplinary hearing of 9 November 2009. Attached to letter to Professor Sarah O'Hara, 25 September 2009.

¹⁶³ University of Nottingham, 'Proposal for University Research Ethics Committee', 2008, p.2.

individual universities – be they vice-chancellors or mere heads of school - to circumvent these guidelines.

As I say, the ESRC, in its REF document, decreed that institutions, in regard to establishing their own research ethics committees, should only use them to consider the effects of research on ‘human participants’. Needless to say, I did not have any ‘human participants’ on my reading lists. The REF also points out that any university’s Research Ethics Committees ‘should normally need at least seven members’. Ours School of Politics committee had just three. The REF states that these committees ‘must include at least one lay member from the local community with no affiliation to the University or research institution in question’. This would be done to ensure fairness and to make sure that it was not just the university’s ‘ethics’ that were being applied. More specifically, it would ensure that the ESRC’s definition of a research ethics committee was observed - so that ‘strict rules regarding conflict of interests’ are maintained.¹⁶⁴ The REF continues, ‘for decisions and advice of a Research Ethics Committee to be respected, they must be seen to be made impartially. That is, they need to be – and be seen to be – independent’. Our School of Politics committee had no external member – not even from another department. Indeed, in this respect Professor Heywood was ignoring his own School guidelines. These state that ‘An additional member of staff, from either the Schools of History or Sociology, attend the meetings’.¹⁶⁵

Members of these committees should also be trained. As the REF states: ‘Universities...should provide...at a minimum, appropriate training for the members in the ethical, legal and scientific dimensions of the research that the Research Ethics Committees review’.¹⁶⁶ None of the members of the School of Politics committee were trained.

Indeed, in the case of considering my reading lists, this School of Politics research ethics committee never even met – the Office Manager merely sent an email (curiously entitled ‘One’s Module Handout’) to the three members of the School’s research ethics committee to say:

Paul has asked if you would take a quick look at this so that we can say it has been through the appropriate procedures.

That was it. This was the request to the research ethics committee. A professor on this committee emailed Professor Heywood to say:

I am not aware of anything in the remit of Ethics Committee that would warrant a procedure whereby its members become responsible for the approval of module handouts [reading lists]. So I am not really sure what we are supposed to look for here and by what standards or criteria to make a judgement...More generally, my view remains that this is a policy issue that the University needs to decide in view of recent events [i.e. the

¹⁶⁴ ESRC, ‘Research Ethics Framework’, p.7.

¹⁶⁵ ‘School of Politics Research Ethics Committee’. In email of Dr Bettina Renz to Dr Vanessa Pupavac, 16 July 2008 at 15.36.

¹⁶⁶ ESRC ‘Research Ethics Framework’, p.11, p.11, p.10, p.13.

arrests] - not three people accidentally finding themselves on a rather minor sub-committee in one of the University's 37 Schools.¹⁶⁷

Professor Heywood replies to this by saying:

Whilst the vast majority of matters that may require a view in regard to ethics will be research-related, there are cases (such as the present one) where other matters may legitimately fall within the remit of an ethics committee.¹⁶⁸

Thus again we have the head of a department deciding himself what should fall within the remit of such a research ethics committee.

This committee, indeed, was never quorate. Its most junior member - but also the only one who was actually aware of the remit of such a committee - refused to take part in the process. This lecturer, Dr Vanessa Pupavac, was already in the university's bad books for being one of the three writers of the letter to the *THE* that had so offended Sir Colin Campbell. She was later to suffer for such behaviour. So this left just the two professors to 'control' my reading lists. And they, of course, 'passed' them. What else would they do?

The whole process, though, was pointless. One of the websites I had on my reading lists was that of the Federation of American Scientists (FAS) – and this has the most complete web-based version of the *Al Qaeda Training Manual* on it!

The 'control' mechanisms did not stop with ethics committees. My emails came to be intercepted by the university, including highly sensitive emails I was sending to a Metropolitan Police Special Branch officer.¹⁶⁹ The university had no right to intercept them and to then hold them on file. Other emails of mine, as I say, and in the absence of any FoI request, came to be handed over by members of the university hierarchy to third parties who then used such emails against me. This was illegal. And I, along with others in the School of Politics, came to be accused of hindering the School in, quote, 'its progress to normality'.¹⁷⁰ What 'normality' looked like was not made clear; but maybe Winston Smith might have some idea.

At this point it seems apposite to record just what can go on in a department - such as Nottingham's School of Politics - that is so divided. There are, for several members of staff, big issues at stake here; and, as such, the degree of antipathy in this School was, and still is, quite profound. There is genuine bitterness. The Head of School, Professor Heywood, had, indeed, told his staff in an all-School email that, during the whole post-arrests fall-out, the behaviour of 'a number of colleagues' in the School had 'lacked honesty and integrity' and been 'little short of disgraceful'.¹⁷¹ The act of supporting a student who had been treated badly both by the university and by his own School, and of objecting to the introduction of a process of 'controlling' reading lists was deemed to be

¹⁶⁷ Email of Professor [name removed] to Professor Paul Heywood 18 September 2008.

¹⁶⁸ Email of Professor Heywood to Professor [name removed] 18 September 2008.

¹⁶⁹ I had one email that I had sent to Metropolitan Police Special Branch released to me as part of an FoI trawl. It was being held by the Registrar's Department!

¹⁷⁰ Quotation from School Review Document of School of Politics, February 2010.

¹⁷¹ Professor Paul Heywood, from notes taken from author's second disciplinary hearing (6 November 2009) and from email of Professor Heywood to 'All Staff' on 18 June 2009 at 16.31.

behaviour that was ‘little short of disgraceful’ and ‘lacked honesty and integrity’. Professor Heywood had made it clear that he was not referring to me in his accusations. ‘No’, he said ‘he was referring to this ‘number of [other] colleagues’. More than once I have asked Professor Heywood what exactly ‘a number’ of members of the School had done that was both ‘little short of disgraceful’ and which was lacking in ‘honesty and integrity’. He has yet to provide any answers.¹⁷²

In the School we were to be helped, though, in our striving for ‘normality’ by the introduction of a new Code of Professional Practice for Staff introduced by Professor Heywood. This, among other stipulations, warned us that ‘Academic freedom...does not create a right to give voice to topics or opinions outside of appropriate academic subject matter’.¹⁷³ What this strange statement actually meant was also not very clear, but I did appreciate that it contained a certain irony. The arrests on campus had come about because two men, a Registrar (with his PhD in English Language) and a Professor of Romance Literature and Literary Theory, had both come to make judgements ‘outside’ of their ‘appropriate academic subject matter’.

Our new Code of Conduct was, however, in the end not adopted.

As a footnote here, all of the angst and antipathy that was being generated in the University of Nottingham and beyond could certainly have been ameliorated, if not avoided outright, if laid-down guidelines and regulations had been followed. The evidence is all there: from the university ignoring BIS guidelines for dealing with incidents of ‘extremist literature’ on campus, all the way down to the School of Politics ignoring international, national, university and its own departmental guidelines in its use of ‘ethics committees’. Ignoring guidelines leads to the very problems that the guidelines were designed to smooth over. And when universities *do* start ignoring guidelines then they are well on the way to becoming laws unto themselves.

Sabir’s university warning letter

A few weeks after his release, and as he continued with his MA studies, Sabir was asked to come to see the Registrar and the Head of Security. Sabir assumed that he was to receive an apology from the university after his ordeal. Indeed, the Registrar later wrote to the President of the Islamic Society on campus to assure him that he had wanted to see Sabir to check how whole situation had ‘affected his welfare’.¹⁷⁴ The Registrar’s meeting with Sabir, however, when it eventually took place on 15 July 2008, was not about his ‘welfare’ at all. It was to warn him about his future conduct. In neither the notes prepared by the Registrar, nor in those prepared by the Head of Security, prior to this meeting with Sabir is any allusion made to the word ‘welfare’ or any of its synonyms. In fact, in another set of preparatory crib notes made by the Registrar the purpose of the meeting was made abundantly clear. The very first line of these notes says that he will talk:

¹⁷² When I asked this question of him in a disciplinary hearing, the presiding ‘judge’, Professor Sarah O’Hara, intervened to protect Professor Heywood from my questioning when she said that Professor Heywood could not say who these staff members were because he was, quote, ‘not at liberty to answer that question because it would be a betrayal of confidentiality’. So Professor Heywood could defame his staff but not say who he meant.

¹⁷³ School of Politics and International Relations, University of Nottingham, ‘Code of Professional Practice for Staff’, May 2009.

¹⁷⁴ ‘Briefing Note for Vice-Chancellor for meeting with President of Islamic Society, 2 September 2008’.

‘About incident – huge cost – reputational and staff time’,¹⁷⁵ and how ‘the whole issue has caused a great deal of work for certain Officers of the University’.¹⁷⁶ So the meeting was really to tell Sabir about the ‘huge cost’ *his* behaviour had brought about in terms of the university’s ‘reputation’, ‘staff time’ and extra ‘work’! Indeed, in the meeting itself the Registrar told Sabir:

[His arrest] caused a huge amount of significant and frankly unwelcome effort and attention and work for a lot of people in this institution which we could all have bloody well done without because we’ve got better things to do.¹⁷⁷

Moreover, the Registrar and the Head of Security said that Sabir’s arrest was not the only problem they had with his behaviour. The Registrar told him:

You have breached the code [of student discipline] in relation to the communication of this document...which was identified as something which shouldn’t have been in the possession of an individual...anything that is illegal or regarded as illegal you should not transmit over the [university IT] network.

And he was, remember, transmitting two academic article and a library book.

At this juncture it may be wise to take a step back and to get things clear. Sabir had been subject to an ordeal that was entirely the fault of the University of Nottingham’s hierarchy. It was *their* ‘judgement’ and *their* lack of a risk assessment that had brought about not only his arrest, but also the fact that he was now being randomly stopped by the police and facing the consequences of being advertised by the Home Office as someone involved in a ‘major Islamist plot’. And yet, according to the Registrar and the Head of Security, it was Sabir that was to blame? And, by way of confirmation of this, the Registrar, in a subsequent letter of warning to Sabir, states: ‘I pointed out to you that it was you who had sent the illegal document...’¹⁷⁸

Another interesting facet of this meeting was Head of Security Gary Stevens’ lack of clarity as to why Sabir had been arrested. It will be remembered that the university line was that he had been arrested for ‘impeding police enquiries’. During this 15 July meeting Sabir put it to Mr Stevens that: ‘the popular statement [in the university is] that I was impeding police enquiries’. Mr Stevens replied: ‘well, whether they [the police] interpreted it as that, that’s up to them, isn’t it really? They obviously arrested you for a reason’. Sabir then replied, ‘But can you say I wasn’t arrested for impeding police enquiries?’ Stevens:

No, because we don’t know the answer to that. Do you know the answer to that?...I think [the fact that the university was saying that Sabir was

¹⁷⁵ From undated notes entitled ‘RS meeting’ made by Registrar prior to meeting with Rizwaan Sabir on 15 July 2008.

¹⁷⁶ Registrar/Head of Security: ‘Points to be covered with Riswaan [sic] Sabir on 15.6.08’.

¹⁷⁷ Transcript of meeting, 15 July 2008.

¹⁷⁸ Letter of Registrar to Rizwaan Sabir entitled ‘Meeting on 15th July 2008’, dated 4 August 2008.

impeding enquiries] is down to the fact that we got the impression from the police...that you were obstructing or impeding their enquiries. I'm not sure, but that's the impression we got, rightly or wrongly.¹⁷⁹

So Mr Stevens, the man who had talked to the police and who was passing all the information on to senior university staff, merely had the 'impression...rightly or wrongly' that Sabir had been arrested for 'impeding enquiries'. He did not know this for certain. And yet he had told the university hierarchy in both the Security Report and the Briefing Note that Sabir *had* been arrested for impeding enquiries. This then came to be taken as 'fact', and to be part of the orthodoxy – an orthodoxy that continued all the way up to the level of the Home Office and the BIS. But it was not true.

This interview also throws up another interesting angle. Mr Stevens had said - in regard to the *Al Qaeda Training Manual* that Sabir had sent via the university email system - 'You maintain that as far as you were aware this was an entirely innocent document. As it turns out, the advice from the police is that it wasn't'.¹⁸⁰ But this contradicts the police's opinion in their notices to Sabir – they held that it was the *university* that was giving them the 'advice' on it. Once more the spin is at work.

The letter of the Registrar's to Sabir that followed the 15 July meeting (dated 4 August 2008) was by way of a summary of what had gone on. This letter stated that he, the Registrar, had 'been informed by the Police that it was illegal for you [Sabir] to possess this type of material in the UK'. He was referring to the *Al Qaeda Training Manual*. Twice more in this letter the Registrar refers to it as being 'illegal'. This letter also included a distasteful link between what Sabir had done and the downloading of child pornography – both, the Registrar said, were 'illegal'.¹⁸¹ This equating of Sabir's downloading of something he could have obtained in exactly the same form from his own library with child pornography was a common tactic used by senior management and by those who spoke in their name.¹⁸² But even if, for the sake of argument, one accepted that Sabir *had* downloaded 'terrorist materials', any slight knowledge of the law would show that there is absolutely no link between the two issues. Accessing child pornography is illegal. That is a fact. Underage children are involved, they should not be, and anyone who accesses such material becomes party to their abuse and thus commits a crime. Accessing terrorist materials, on the other hand and as the Lord Chief Justice (and the university itself!) had made clear, is not 'illegal'. Such literature is always benign until used to assist in terrorism acts; as would also be the case with the likes of a map of the Underground or a guide to London. Child pornography is in no way benign. There is absolutely no legal or moral equivalence to be made between child pornography and 'terrorist materials'. Of all the tactics adopted by the university hierarchy and its supporters in defending the institution and in blaming Sabir I found this one to be quite the most malevolent. It was, and I use this word again, unconscionable.

¹⁷⁹ Transcript of Rizwaan Sabir's interview with Registrar and Head of Security, 15 July 2008.

¹⁸⁰ Transcript of Rizwaan Sabir's interview with Registrar and Head of Security, 15 July 2008.

¹⁸¹ Ibid. The Registrar wrote, 'You will recall that at this point I used an analogy regarding the use of child pornography which is also available on the internet but is still nevertheless illegal'.

¹⁸² See, for instance, comment sent to *THE* by Dr Sean Matthews, 28 June 2009. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

When I saw this letter, I also knew that the Registrar could not have been telling the truth. He could not have been informed by the police that the *Al Qaeda Training Manual* was 'illegal'. The police, remember, had always been careful to say that it was the *university* that was stating that it was (merely) 'not legitimate'. If the police *had* thought it was 'illegal' for Sabir 'to possess *this* material in the UK' then they would have taken some action against both him and Yezza; they would have been 'guilty' of a crime. Once again, and despite saying that 'no judgement was made by us', the university was here again making an independent judgement, while once more sourcing that judgement elsewhere.

But what seems strange here is that Gary Stevens, the Head of Security, is an ex-police officer. So he would have known that only a court of law could decide whether anything was 'illegal' or not. And so why does he go along with this line that the *Al Qaeda Training Manual* was 'illegal'? And how can he think that a document taken from a US Department of Justice website can be, in any way, 'illegal'?

The content of this letter caused some disquiet amongst the university's Muslim community, notably when it was referred to in a meeting on campus where both Sabir and Yezza spoke, and at which I was present. The point was raised in questions as to why a Muslim student at the University of Nottingham (Sabir) was being told (by the police as the audience all assumed) that it was 'illegal' for him to use this particular publication for his research, while other - 'white' - students at other universities (notably Oxford) could have free access to it. (The *Al Qaeda Training Manual* actually *was* listed on reading lists at Oxford.) It all seemed to the audience to be a case of rank discrimination. The Registrar's letter, to coin a phrase, had 'unsettled the harmony of campus'.

This sense of antipathy also fed into a student 'sit-in' at the university in February 2009. This was in protest at the situation then prevailing in Gaza. This protest was much more problematic than it would otherwise have been, in my belief, without the Registrar's letter. There was a series of similar sit-ins at universities all across the country at the same time, but it was the one at the University of Nottingham, however, which went on for the longest, and which was the only one to end with the police being called in.

A final point should be made about something that happened in the meeting between Sabir, the Registrar and the Head of Security. Gary Stevens pointed out that when Sabir had sent the email to Yezza - with the three original and offending documents attached - he had added a suspicious 'comment'. When Sabir asked which 'comment' this was, he was told that it was the phrase: 'Good luck in opening it, brother'.¹⁸³ The word 'brother' was taken by Mr Stevens to be 'Jihadist-speak', and somehow proof that Sabir was up to 'Islamist' no good. Mr Stevens, though, did not seem to know that the vast majority of male Muslims, when communicating with each other, use the term 'brother'!

A view on Muslim protests

The nature of such incidents must also be viewed against a background where the senior management of the University of Nottingham is perceived as not having a good overall relationship with its community of Muslim students. It is fair, I think, to say that the University of Nottingham is one of the more right-of-centre universities in the UK. I have no particular qualms about this so long as the university remains equitable. This, though,

¹⁸³ Transcript of 15 July 2008 meeting.

in one particular way it has not. This relates to an invitation which had another deleterious effect on the relationship between the university hierarchy and the Muslim students. It came in November 2009 when the Israeli ambassador was invited to speak in the university's Great Hall. This was at a time when certain Israeli government ministers could not visit the UK for fear of arrest on war-crimes charges. Given what had happened the previous year with the arrests of Sabir and Yezza on campus, this invite came across as something of a slap in the face to the Muslim community. The inevitable protests by Islamic groups and their supporters on the evening of the ambassador's visit meant a substantial police presence on campus along with a police helicopter constantly buzzing overhead - its searchlight beam dancing over those beneath. This also quite 'unsettled the harmony of campus'. I know, because I was trying to work in my office at the time.

It would have been 'equitable' if this invitation for the ambassador to speak at the university had been matched by a similar one to an Arab ambassador – from the likes of Jordan, a country well-disposed towards the UK. This was not forthcoming. It appeared as if the university was pro-Israel. In inviting only the Israeli ambassador it was making a political statement.

I also came across a university document released under FoI that was blandly entitled, 'Events on Campus'.¹⁸⁴ I had ignored it at first glance and only many months later took a second look. It was clear that all the 'events' mentioned in this retrospective document (i.e. looking back at 2008), and dating from the beginning of 2008 to its end, were in relation to protests, film showings, seminars, stalls, 'cultural days', meetings or presentations that related to 'Muslim issues': Gaza, Palestine, talks by ex-Guantanamo prisoners, etc. The only seemingly non-Muslim 'event' on this list was mention of a protest that had been against the arms trade. But even this, though, as I discovered, had connections to Muslim sentiment.¹⁸⁵ Why the University of Nottingham would prepare such a list of activities that involved *just one particular religious group* - and yet give it this bland title - 'Events on Campus' - I have no idea.

Also disquieting in regard to the monitoring of such 'Events' is the fact that the University of Nottingham's security staff are all white. Not one of the 56-strong security team is from an ethnic minority; and this despite the fact that the city of Nottingham is approximately 18 per cent non-white.¹⁸⁶ I, of course, cast no aspersions here on the university's security staff - but, again, it does not look good.

I did find this overall attitude of the university towards one particular 'side' hard to take. In my teaching about Islamist issues; about the Arab-Israeli situation; about India-Pakistan, and about the splits between Hindu/Muslim, Sunni/Shia, Salafi/Sufi, Deobandi/Barelvi, etc, etc, I always try very hard to present both sides of the argument and to keep strictly neutral. Even then, however, tempers can flare in the classroom during student discussions of such issues and students can misinterpret the lecturer's words. But what is the point of any lecturer trying to maintain neutrality and balance in

¹⁸⁴ 'Events on campus'. Single sheet recalling 16 meetings/protests during 2008 which involved Muslim groups or their supporters.

¹⁸⁵ One department in the university is involved in the development of drone aircraft for BAE Systems. BAE Systems helps Israeli manufacturers to produce drones. Israeli drones were used in the Gaza conflagration in February 2009. Moreover, one of Israel's biggest military exports is unmanned aerial vehicles. Russia recently signed a \$600 million contract for the delivery of Israeli drones. Some elements in the University of Nottingham are not pleased by the university's link to such activity.

¹⁸⁶ From information released by University of Nottingham after FoI request, April 2011.

his/her teaching if the university itself shows no such care? In the School of Politics we were once, as I say, asked to adhere to a Code of Professional Practice for Staff. One of the stipulations in this was the following:

Courses and modules may properly include controversial matters so long as academic staff teach them in a fair and balanced way, and set forth fairly without suppression or innuendo, the divergent opinions of other scholars.

First of all, this would seem a bizarre ordinance to set up at a university. Surely this should be left to any lecturer's common sense? If, for example, a lecturer is teaching 'The Holocaust', should the 'divergent opinions' of 'Holocaust deniers' really be presented so that one is 'fair and balanced'? And would the same apply if teaching the Rwandan genocide? But if this was to be the way in which the university wanted its courses taught, why then could this same university's hierarchy not practice the same balance in its invitations to speakers and in its preparation of lists of past 'Events on Campus'?

My job in teaching terrorism courses is difficult enough without my doing so against the background of my own university hierarchy taking a stance that favours one particular 'side'. Indeed, there seems to be a zero-sum game operating in the university: this is one whereby any activity that is seen as pro-Muslim automatically comes to be seen by management as anti-Semitic. This does make students and staff at Nottingham wary of adopting any pro-Muslim stance. For example, the university somehow turned the 'silent march' (protesting about restrictions on academic freedom) that had occurred on campus in the wake of the arrests into something that could have engineered anti-Semitism. As the Security Report relates, this march had elicited a reaction:

The Jewish Society appear to have used the opportunity of publicising their view that anti-Semitism is in the increase and this has been further exacerbated by a statement in the House of Lords by [name reacted] who specifically named the University of Nottingham.¹⁸⁷

No evidence is provided, though, as to what 'publicising' had gone on. And I have no idea who this member of the House of Lords was. But the whole idea that anyone on that silent march could have been encouraging anti-Semitism is again just bizarre. But being tainted thus seems to be the danger an activist runs at the University of Nottingham.

No-one, though, can ever accuse me of being partial in this respect. And again, I wish to establish my *bone fides* in writing this article. I have previously made complaints about activities (not at the University of Nottingham), which I took to be anti-Semitic in nature. My letters of protest on this matter, including one to the Simon Wiesenthal Centre in Amsterdam, are a matter of record. I take it upon myself to protest against all iniquitous and reprehensible behaviour, no matter on which side of the Jewish/Muslim fence the perpetrators lie.

Taking action against the Registrar

¹⁸⁷ 'Security Report', p.15.

I had become deeply concerned by the Registrar's warning letter to Sabir. This was my student. It bears repeating that the Registrar had already publicly stated that: 'there is no "prohibition" on accessing terrorist materials for the purpose of research'. He had already told me that Sabir was 'arrested not for the research he was undertaking but because of his connection with the originator of the concern, a member of staff in Modern Languages [i.e. Yezza]'.¹⁸⁸ He had also said, 'this material [the *Al Qaeda Training Manual*] is of a nature which [is] defensible in terms of academic enquiry'.¹⁸⁹ So why now, weeks after the arrests and in this letter to Sabir, was the Registrar telling him that the *Al Qaeda Training Manual* was 'illegal'?¹⁹⁰ Once more we have the question as to why he was saying one thing in public, while behind the scenes he was expressing a quite contrary view. And crucially - in his use of the second person - the Registrar was making it clear that this document must only be 'illegal' for Sabir to possess. He wrote: 'I had been informed by the police that it was illegal *for you* to possess this type of material in the UK'. But what was it about this young Muslim student that led to this particular verdict?

And the police, of course, did not say the *Al Qaeda Training Manual* was 'illegal'. They had used, in their notices to Sabir, the term 'not legitimate' - and not the word 'illegal' - and they had only used the former phrase because they had been taking university - i.e. 'expert' - advice.

I then wrote to the abovementioned Metropolitan Police Special Branch officer to protest about the Registrar's choice of words. He arranged to meet with me. This meeting took place on 24 May 2009 at North Queen Street police station in Nottingham. Also present were the head of Nottinghamshire Constabulary Special Branch and an officer from WMPCTU. These three officers confirmed that no police officer would have told the Registrar that the *Al Qaeda Training Manual* was 'illegal'. They said the Registrar was wrong to say what he did.¹⁹¹

I now asked for an internal university investigation into the Registrar's behaviour. I thought that he was misrepresenting the police and that he was using threatening and harassing behaviour against my student by using such a falsehood.

Since any disciplinary investigation involving a university employee would normally be conducted by the Registrar himself, this case was dealt with by the university's Chief Financial Officer (CFO), Mr Chris Thompson - himself a member of Management Board. The report he produced, and which took six months to complete, exonerated the Registrar. It did state, though, that there was *no* evidence of any police officer telling the Registrar that the document was 'illegal'. It was noted that the 'Registrar has not provided evidence that the police said it was "illegal"'.¹⁹²

¹⁸⁸ Email to author from Dr Paul Greatrix (Registrar) dated 24 June 2008 at 11.45.

¹⁸⁹ Email from Dr Paul Greatrix (Registrar) to (name redacted) of 27 May 2008 at 13.14.

¹⁹⁰ This idea that it was the 'police view that it was illegal for him [Sabir] to be in possession of the *Al Qaeda Training Manual*' is a phrase also used in a 'Briefing Note for Vice-Chancellor for meeting with President of Islamic Society, 2 September 2008'.

¹⁹¹ Meeting with the Head of Nottinghamshire Constabulary Special Branch, a representative from WMPCTU and a representative from Metropolitan Police Special Branch at North Church Street Police Station, Nottingham, 24 May 2009.

¹⁹² CFO's Report entitled, 'Allegation of Malpractice against Dr Paul Greatrix made by Dr R Thornton', dated 11 November 2009. The covering note when sent to author is dated 23 December 2009.

It was during this CFO's investigation that one police officer interviewed by a representative of the CFO stated that, 'It's not for the police to say what material is appropriate for use by students – the university should determine this because it's the university's business'.¹⁹³ And elsewhere in this CFO's report a police officer says, 'It is for the University to determine what physical documents may be accessed by students'.¹⁹⁴ Another officer confirmed what should be common knowledge: 'It would not, in [this officer's] view be appropriate for a police officer to state that the AQTM is illegal because that is a question for the courts to decide'.¹⁹⁵ Thus it is clear that the police were confirming that it was not their place to make any, quote, 'judgement' about any documents used by students – that was the university's job.

The CFO's report acknowledges that the Registrar *was not told by any police officer that the Al Qaeda Training Manual was 'illegal'*. But then it goes on to note that the Registrar defends himself by saying that he was told it was 'illegal' by someone else – an unnamed, quote, 'reliable source'. The report says that the 'statements that the Registrar made in the letter [to Sabir]...regarding the illegality of the AQTM were made in good faith and on the basis he had received from a reliable source'.¹⁹⁶

There are at least two debateable aspects here. The first is that if the Registrar is saying he received this information from a 'reliable source' then he must also be admitting that he did not hear it from the police. So, *quod erat demonstrandum*, he was lying to Sabir.

Secondly, if this 'reliable source' had said it was 'illegal' why then had the Registrar made all his many previous public statements about this very same document being free to use as a research source by all and sundry – including, one presumes, Sabir? Moreover, such statements had also been made by Management Board – which included the man carrying out this investigation, the CFO. So publicly the CFO - Chris Thompson - had been party to statements saying that 'there is no prohibition on accessing terrorist materials for the purpose of research',¹⁹⁷ and thus making clear that there was nothing 'illegal' about the *Al Qaeda Training Manual*.¹⁹⁸ But now, by supporting the Registrar in his 'reliable-source-saying-it-was-illegal' line, Mr Thompson must also be admitting that Management Board (including himself) had previously been untruthful to the university community, the media and the public in its/his previous statements on this issue. The CFO, in his judgement, was actually proclaiming *himself* to be a teller of untruths. He was hoisting himself on his own petard.

Thus, in a neat symmetry, the CFO's finding that the Registrar had no case to answer meant that the rest of Management Board *did* have a case to answer. No-one, of course, in senior management seemed to appreciate this obvious logic. This may have been because senior management's orthodoxy did not seem to include logic as one of its core characteristics.

There are certainly other issues here. Was this 'reliable source' saying it was *only* 'illegal' for Sabir to possess this *Al Qaeda Training Manual*? And, while the Registrar

¹⁹³ Notes from phone conversation with representative of CFO with unknown police officer dated 15 October 2009.

¹⁹⁴ CFO's Report.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ Email to author 4 July 2008 at 15.54.

¹⁹⁸ Such as in an email to the author from Dr Paul Greatrix (Registrar) of 4 July 2008 at 15.54.

might have a 'reliable source', he had been sent many emails by other 'reliable sources' within and outside the university testifying to the actual 'legality' of the *Al Qaeda Training Manual* – including from myself, the only expert on terrorism in the university.¹⁹⁹ So if the university's only expert on terrorism is not considered a 'reliable source', and if the police are not the 'reliable source', then just who is this 'source' that was so 'reliable'? And, curiously, and again remarkably, when he was being interviewed by the CFO's representative the Registrar makes another claim that the police said something that they clearly could not have. The Registrar states, in relation to the version of the *Al Qaeda Training Manual* which Sabir had downloaded, that 'the police said it was the most serious form of the AQTM'. This cannot have been true, because if *anybody* had *ever* checked then they would have known that it was *not* the most serious form. And, of course, the 'most serious form' of the *Al Qaeda Training Manual* was the one actually available from the university's own library!²⁰⁰

In another aside here, the notes for this interview, released under FoI, are, in contravention of the legislation, 60 per cent redacted. The names, though, and most remarkably, of Special Branch and counter-terrorist police officers are actually left unredacted and open for all to read!²⁰¹

The CFO's final pronouncement in his report is: 'On the basis of the information supplied to me by [redacted] I do believe that [redacted – but presumably the Registrar] made the statements that he made in his letter of 4 August 2008 [to Sabir] in good faith, on the basis of advice and guidance that he had received, and as such, was not guilty of malpractice'.²⁰² But I find it hard to believe that the Registrar of a leading UK university – a man in such a position of responsibility – can make allegations of criminal behaviour against a completely innocent student and yet have it classed as activity 'in good faith'. This still, though, leaves the central question hanging: is it still not 'malpractice' to lie about what the police said and did not say? Because the CFO's report did conclude that the Registrar had lied. And misrepresenting the police is a crime – it is, in fact, 'illegal'. This is why we have signs everywhere that say 'Polite Notice', and not 'Police Notice'. The former is legal, while the latter – if put up by anyone outside the police force – is illegal. The Registrar broke the law; this is clear from the CFO's judgement. And this is, moreover, not a victimless crime. The welfare of an innocent student lay at the heart of this activity by the Registrar.

The CFO's report once more undermines the university's stance that 'no judgement was made by us'. The university was here admitting that it was making an independent 'judgement' via the 'reliable source'. Moreover, if this report was saying that the Registrar was basically admitting that he had not told Sabir the truth then why did the university apply no censure? After all, the Registrar himself had told the police, 'I have a

¹⁹⁹ Four lecturers (in emails) within the university, all acting independently of each other, had emailed the Registrar to tell him, post-arrests, that the *Al Qaeda Training Manual* was freely available legitimate research material (emails released under FoI): Dr Alf Nilsen, Dr Vanessa Pupavac, Dr Matthew Rendall and Dr Maria Ryan. The emails in question can be produced.

²⁰⁰ Notes from interview with CFO's representative, 27 October 2009.

²⁰¹ The university, in its emails released under FoI and DPA, redacted the names of a good proportion of its senior managers and academics. Some emails even have the sender, the recipient, and the date and time that it was sent redacted! Thus the message contained within such emails is singularly uninformative in terms of 'information'.

²⁰² The CFO, 'Notes of a meeting with [name redacted] – Wednesday 9 December 2009'.

highly responsible role regarding the reputation and running of our University'. The Registrar is the individual responsible for everybody else's - staff and students - discipline within the university; and yet he appears to be above the law himself. This seems peculiar.

The CFO's report was given to the current Vice-Chancellor, Professor David Greenaway. This report provided proof to the Vice-Chancellor that the Registrar had been untruthful towards a student in his university and had misrepresented the police. So why did the Vice-Chancellor, Professor David Greenaway, take no action against him?

And does anyone really think that if the student facing the Registrar and the Head of Security in the above meeting had been, to again quote that police officer, 'Swedish and blonde', that there would have been any use of the word 'illegal'? Probably not.

On another issue

The CFO's report was dated as being finished on 11 November 2009. It was not put in my pigeon-hole, though, until the late afternoon of 23 December (with a covering letter so dated), just before the Christmas break. Where had it been? This, though, was a common 'psychological warfare' tactic at the university – to give bad news to someone just before a holiday or a weekend. All of the letters that warned me of upcoming disciplinary action meetings were placed in my pigeon-hole last thing on a Friday afternoon. I also received one on the day before Good Friday, 2011.

And perhaps it is also worthwhile adding another piece of context here. It would appear that the Registrar (PhD in English Language) had a somewhat antagonistic attitude to students in general. He made this very clear in an article he wrote in March 2011 for *The Guardian* newspaper's 'Higher Education Network' blog. In this article he was expressing concern about the demands currently being placed on universities by students in light of the increasing 'students-as-consumers' mentality. I record here his final paragraph verbatim, including its optional use of the question mark:

Finally, shouldn't we just be honest and tell students that things are, sometimes, sadly, just a bit crap [sic]. Part of the learning process is that they just need to accept it, by all means grumble a bit, and then move on? [sic]²⁰³

Was this the attitude taken towards Rizwaan Sabir? That even though 'things' were 'a bit crap', he should just stop 'grumbling', 'accept' his lot, and 'move on'?

Legal assistance on Management Board

One of the problems with the reaction of the hierarchy of the University of Nottingham to the arrests on campus was that the legal advice they were receiving was, in several cases, wrong. Where this legal advice was coming from is, as I say, not known; but at least some legal 'assistance' was being supplied by one member of Management Board. On 26 May 2008, a week after Sabir and Yezza had been released with no charges (although with Yezza still facing investigation for visa-related offences), a professor from the

²⁰³ Paul Greatrix, 'University isn't just a business – and the student isn't always right', *guardian.co.uk higher education network*, at <http://www.guardian.co.uk/higher-education-network/blog> accessed 16 March 2011.

School of Law and also a member of Management Board, Professor Diane Birch, was still referring to them in an email as the ‘suspects’. But they had been released without charge, so it seems quite wrong to still be calling them ‘suspects’. In this same email she also asks, rhetorically, whether Sabir’s sending of the documents to Yezza for printing was ‘an OK thing to do, not at all covert, dishonest or likely to provoke suspicion. Disgraceful’. While it may have been technically ‘dishonest’, the sending of three benign documents - two articles and a small book - hardly ranks as behaviour ‘likely to provoke suspicion’. And suspicion of what? Professor Birch’s email here is, moreover, not some personal missive to a friend; she is writing to, among others, the Vice-Chancellor (Sir Colin Campbell), the future Vice-Chancellor (Professor David Greenaway), the Registrar (Dr Paul Greatrix), the Head of Human Resources (Jaspal Kaur) and the Deputy Head of Security (Stuart Croy).²⁰⁴ She also uses the word ‘dishonest’ the next day in an email to much the same personnel. In this email she also talks of ‘the steps the student took to impede the investigation’.²⁰⁵ But, as we know, Sabir had taken absolutely no steps at all to impede the investigation. He had, after all, no idea that there *was* an investigation - how could he? - before his arrest. And, certainly, the university lecturer with him that day in the corridor outside Yezza’s office had no idea either.

The use of such language - ‘suspects’, ‘dishonest’, ‘disgraceful’, ‘covert’ - by such an influential figure as this professor of law could be regarded as grossly unprofessional. As the only law professor on Management Board she had a very responsible position. But she was involved here in unsubstantiated conjecture that flew in the face of her legal obligation, on several levels, to provide a duty of care.

She had clearly adopted the university’s line that the document which Sabir had downloaded and the one on Amazon were somehow different. On 4 July 2008 she emailed the Registrar to say, ‘I think Sabir and Yezza have hidden behind what I will call the “Amazon” defence for so long that everyone believes it’s true’.²⁰⁶ Well, this is because it *was* true! But where does Professor Birch’s iron conviction on this point come from? How had she developed this orthodoxy?

On 8 July 2008, and as the university was considering sending out another of its defensive portal messages (i.e. the aforementioned one of 9 July), Professor Birch is emailing once more to the hierarchy to say that ‘Sabir and Yezza are drawing reassurance from our silence to put forward views based on a distortion of the facts. All we have done in terms of making statements (quite rightly²⁰⁷) is to state the facts as we know them to be’.²⁰⁸ This was hollow, too. Professor Birch, herself, and at the very least, was aware that the decision to call in the police in the first place had not been a ‘collective’ one and

²⁰⁴ Email dated 26 May 2008 from Professor Diane Birch to Sir Colin Campbell (Vice-Chancellor), Dr Paul Greatrix (Registrar), Jonathan Ray (Communications Director), Professor David Greenaway, Jaspal Kaur (Head of HR) and Professor Chris Rudd.

²⁰⁵ Email dated 27 May 2008 at 14.11 from Professor Diane Birch to Jonathan Ray, Professor David Greenaway, Dr Paul Greatrix (Registrar), Sir Colin Campbell (Vice-Chancellor) and others.

²⁰⁶ Email of Professor Diane Birch to Registrar, Paul Greatrix on 4 July 2008 at 13.39.

²⁰⁷ In typical groupthink behaviour it is common to use - or overuse - phrases such as, ‘quite rightly’. Like the word ‘accurate’, it was seemingly adopted as the reinforcing mantra by many in the hierarchy in their descriptions of the university’s actions.

²⁰⁸ Email of Professor Diane Birch to Sir Colin Campbell, Dr Paul Greatrix (Registrar), Professor David Greenaway (current Vice-Chancellor), Professor Alan Dodson, Professor Chris Rudd, Professor Christine Ennew, David Riley, Chris Thompson (CFO).

that no risk assessment had been conducted; and yet she had been party to portal messages that stated otherwise.²⁰⁹ The day after she sent this email (i.e. 9 July), a number of ‘facts’ were ‘put forward’ by Management Board (including Professor Birch) on the university portal. These themselves, as has been pointed out, would appear to have been acts of, to use Professor Birch’s word, ‘dishonesty’.

And this attitude of Professor Birch is important. She is not only the one member of Management Board qualified to speak on legal matters, but she also comes to assume a central role in ‘assisting’ the two particular junior academics mentioned earlier: Dr Macdonald Daly and Dr Sean Matthews. The involvement of these two in the whole affair is, at the very least, interesting.

Dr Macdonald Daly and Dr Sean Matthews

Dr Daly from the School of Modern Languages and Dr Matthews from the School of English Studies are key players. I have never met them. Despite being, at the time of the arrests, representatives of the academics’ union, the University and College Union (UCU) - with Dr Daly being its head at Nottingham - they almost immediately resigned their UCU posts after the arrests and began to take a very proactive and supportive line in terms of backing the university’s senior management in its defensive posture. And, in producing their many letters, articles and, most latterly, a booklet, the two made no secret of the help they received from the university’s leading lights: ‘We had been able’, they said ‘to discuss the issues with University senior management since virtually day one [post arrests], and had found them to be quite forthcoming with information, of which they had a good deal’. Indeed, they go on, ‘Whenever we asked senior management for information...we were never denied it’. But, of course, in many instances the handing over such information by senior university staff was against the law. Among the material given to these two was my own email to the Registrar that I refer to above.²¹⁰ The authors, in the booklet they wrote, described how they received it: ‘When we requested’, they said, ‘a copy of Rod Thornton’s letter [i.e. my email], we received it within a day (from a sheepish Registrar)’.²¹¹ That was nice of him.

In fact, Daly and Matthews were also being supplied with information unasked. There is email evidence showing that the university’s then Communications Director, Jonathan Ray, was keeping them abreast of events vis-à-vis the arrests. Professor Birch, the professor of law, also kept in touch with Daly and Matthews in relation to the university’s whole approach to putting its ‘views’ forward. The few emails made available between these three (Birch, Matthews and Daly) have been mostly very heavily and sometimes even completely redacted.²¹² This is, again, in contravention of FoI legislation.

It is only fair to point out, though, that while they do boast about the help they received from senior management, Daly and Matthews also deny being ‘lackeys’. In a letter the two sent to the *Nottingham Evening Post* they stated that ‘anyone who knows us

²⁰⁹ Professor Birch and other senior staff had, for instance, been emailed to be told this very fact by the Head of Security on 22 May.

²¹⁰ Macdonald Daly and Sean Matthews, *Academic Freedom and the University of Nottingham* (Nottingham: Bramcote Press, 2009), p.35, p.36.

²¹¹ *Ibid.*, p.36.

²¹² It is also obvious when emails have not been released when those that have been released refer to previous, unknown, correspondence.

on campus will know that we are not in the pockets of management'.²¹³ It would seem, though, given the degree of contact that the two had with senior management - including personal email contact with the Registrar - that their denials are hard to accept at face value.

As I and others began to raise more and more issues concerning the arrests, and as the university became more and more defensive, Daly and Matthews increased their profile and even began to liaise with six members of staff in my own School of Politics, including its Head and Deputy Head. The vituperative nature of their campaign against both myself and Rizwaan Sabir can be judged by the fact that Dr Matthews, in emails to both the leadership of my own School and to senior management - including Professor Birch and the Communications Director - refers to me variously as a 'rabid Mad Dog', 'Billybob MadDog' [you see what he did there?] and 'Rodders "Mad Dog"'.²¹⁴ To feel comfortable in using such language to senior figures in the university would appear to imply an undue degree of familiarity on the part of Dr Matthews. The use of such language, at the very least, contravenes the university's code of practice for the use of computing facilities. It is defamatory. But not one of these senior ranks, though, thought it necessary to censure Dr Matthews or asked him to moderate his language. Why?

Given the zero-sum nature of the role Drs Daly and Matthews adopted as defenders of senior management, the missives they sent out to various publications had, of necessity, to include criticisms of both Sabir and Yezza and of those members of the School of Politics (and others) who had come out in support of them. In one letter sent to both the *THE* and the *Education Guardian*, Daly and Matthews accused me and my colleagues of engaging in 'irresponsible, opportunistic and unethical conduct'. Our behaviour lacked 'veracity and honesty', they said, and was 'incompatible with the truth'.²¹⁵ I found this to be a tad ironic coming from these two supporters of a senior management which had already displayed its limpet-like adherence to the 'truth'. One message of Dr Daly's was even removed by the *THE* from its website on the grounds that it was deemed to be offensive.²¹⁶ His comments constituted, said the *THE*, 'abusive and personalised attacks on an individual'.²¹⁷ The communications of these two were also being backed by supportive letters sent by members of my own School of Politics. They would join in with messages of their own to the *THE* critical of both myself and of other members of staff at the university.²¹⁸

²¹³ Michael Greenwell, 'Terror probe sparks schism', *Nottingham Evening Post*, 4 June 2009, p.11.

²¹⁴ Dr Sean Matthews refers to me as 'Rodders "Mad Dog"' and later as just "Mad Dog" in an email of 27 June 2008 at 10.45 to Professor Diane Birch, Dr Macdonald Daly and Jonathan Ray (Communications Director); as 'Billybob MadDog' in an email to Jonathan Ray of 27 June 2008 at 15.36.

²¹⁵ Comment to *THE* website, 2 June 2008.

²¹⁶ The removal of this comment of Dr Daly's was queried in another comment to the *THE* by Professor Steven Fielding, School of Politics, of 26 June 2009. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

²¹⁷ Ibid.

²¹⁸ Professor Steven Fielding in comment to *THE* of 26 June 2009 (three) and 29 June. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

A number of the uncorroborated accusations made by Daly and Matthews were quite astonishing. Matthews, for instance, wrote to the *THE* on 22 July 2008 saying that Hicham Yezza had:

aroused concern not only by downloading the materials...but also by a pattern of behaviour that has, inter alia, led to him being now bailed to face charges for Immigration offences, the courts having decided that there is a case to answer (he is innocent until proven guilty, but that the courts and CPS should find a case to answer does, one would think, suggest that the University may have been correct to call in the authorities in the first place).²¹⁹

Firstly, Yezza did not ‘download the materials’. More importantly, though, the university had, of course, called in the ‘authorities in the first place’ in relation to suspected terrorism, not in relation to suspected visa irregularities. So for Matthews to say that the university was ‘correct’ stretches credulity. And what of the accusation that Yezza had ‘aroused concern...by a pattern of behaviour’? Such finger-pointing - which would appear to imply that he had some ‘links’ to terrorism - had no basis in fact. Sabir has read all of the statements made by those members of university staff who were interviewed by the police (and this can be checked with WMPCTU). He states that no-one in any way describes Yezza as exhibiting a ‘pattern of behaviour’. No-one gives the impression that Yezza was in any way linked to any form of radicalism, let alone terrorism. Indeed, *the opposite* is stated – the interviewees noted that he had specifically *not* done anything that ‘aroused concern’. The only negative issue raised by those interviewed by the police was that Yezza’s attendance at work was not the best.²²⁰

On 23 July 2008, in another message to the *THE*, Matthews continues in the same vein. He says that ‘the University managers who had to make the decision to call in the police were not simply doing so only on account of the infamous documents, but because they had other, or further concerns’. Again, we have the unsubstantiated finger-pointing. What are these ‘further concerns’? They are not specified. Matthews goes on, ‘Perhaps the University was in part, in making its original risk assessment, mindful of the fact that its efforts to get Mr Yezza properly to substantiate his legal status had met with no success.’²²¹ But we know that no ‘risk assessment’ had ever been carried out, and certainly no-one involved, least of all the Registrar, made any mention of Yezza’s legal status to the police: the arrests were the result of the documents being found, nothing else. There were no ‘further concerns’. Indeed, the university has elsewhere, and in a defensive move (because it should have been aware of his legal situation), stated that it knew nothing of any issues related to his immigration status. So there is no ‘perhaps’ - to use Matthews insinuating word - about it: the immigration issue had nothing to do with the police being initially called in. This only came to light later on.

The booklet

²¹⁹ Comment to the *THE* website, 22 July 2008.

²²⁰ Conversations with Sabir.

²²¹ Comment to *THE* website, 23 July 2008.

Then, in early 2009, Daly and Matthews produced a booklet – *Academic Freedom and the University of Nottingham*.²²² This was published by a press that was actually owned by Dr Daly. It was possible to buy *Academic Freedom and the University of Nottingham* from Amazon for £3.99. On the back cover of the work it states that copies could be sent with free postage and packing ‘to anywhere in the world’. Any ‘profits’ from the booklet would, it is stated, go to a charity.²²³

Again, it is obvious that the two authors had received a good deal of help from university management in gathering material for this work. Indeed, once more the authors boast about receiving such help. And certainly no post-publication moves were ever made by the university to distance itself from its contents. In fact, the opposite was the case. A ‘university spokesperson’, quoted by the *Nottingham Evening Post*, stated that ‘the book is on sale and on prominent display in the University’s main bookshop’.²²⁴ Why advertise this fact unless the university supported its production? Copies were also sent to journalists at the *THE* (along with threats of legal action against them!) and were made freely available in large numbers and distributed into staff pigeon-holes around the university. The then Exams Officer in our School of Politics distributed them into our pigeon-holes. The booklet’s veracity was also championed in messages to the *THE* by this same Exams Officer. She called it ‘an unbiased account of the Nottingham arrests’.²²⁵ She also advised those who questioned the content of Daly and Matthews’ work should ‘Try reading the book’.¹ Dr Mathew Humphrey, the deputy head of School, wrote to a publisher to say the booklet was ‘the most detailed account yet published’ of the case.²²⁶ Both, immediately after their comments, helpfully provide a link where this booklet could be found.

Daly and Matthews’s *Academic Freedom and the University of Nottingham*, however, has barely a grain of truth in it. It is basically a reinforcement of the position of university management. Full of pious language and grandstanding rhetoric, its emphasis is on the fact that ‘academic freedom’ does not extend to students and administrators. That is, Daly and Matthews were saying that both Sabir and Yezza had no right to be viewing the *Al Qaeda Training Manual* – it was only members of ‘the academy’ who could do that.

This sounds a little silly. If such a nuance does exist then does this mean that only ‘members of the academy’ can buy the *Al Qaeda Training Manual* from Amazon? That only ‘members of the academy’ can get it out of the library? And also why do universities not have one set of statutes for ‘members of the academy’ and another for ‘non-members’? For instance, the University of Nottingham’s Code of Practice for the Use of Computing Facilities (the most draconian at any UK university) would need to be changed. The section where it states that, ‘Users must not access, transmit, store, print, promote or display...material that is likely to incite hatred, terrorism or violence’, would have to be altered to distinguish between students and academics.²²⁷ Academics can send such material, one assumes, while non-academics can not. But then what makes a person an ‘academic’? Presumably, say, a student who has been studying for a PhD on terrorism

²²² Daly, Matthews, *Academic Freedom and the University of Nottingham*.

²²³ Ibid, back cover.

²²⁴ Michael Greenwell, ‘Lecturers slam colleagues for “Nottingham Two” lobby’, *Nottingham Evening Post*. DATE?

²²⁵ Letter of Dr Pauline Eadie to *THE* 25 June 2009.

²²⁶ Email of Dr Mathew Humphrey on 8 July 2009 at 13.03.

²²⁷ University of Nottingham, ‘Code of Practice for the Use of Computing Facilities’, September 2009, p.2.

for four years cannot have accessed material such as the *Al Qaeda Training Manual* (according to Daly and Matthews' take on academic freedom). But when this student passes their PhD viva they may think, 'Great! I am now an academic! I can now look at all the terrorist stuff I could not look at before!' Or can this only happen once the student has officially been awarded the PhD after a graduation ceremony? Or is it case that they can only look at the 'forbidden' material if they have both a PhD *and* a job in academia? Then they would be 'proper' academics. Would they not? And what of the 50 per cent or so of university-based academics who do not have a PhD? Can they access the likes of the *Al Qaeda Training Manual* without a PhD? I could go on with this line; but life's too short. And anyway, it can only happen in Nottingham World.

But even if 'academic freedom' is supposedly limited to 'academics', this was never the point at issue in this case. As has been stated, both Sabir and Yezza, like anyone in the UK, have/has the right to possess a library book or material from respected and approved student-resource websites. And even if the *Al Qaeda Training Manual* could be labelled as 'terrorist materials', Sabir and Yezza, along with everyone else in the country - and as was proved by the Bradford Case and as was stated by the Lord Chief Justice - still have the right to 'possess' it. So Daly and Matthews had gone to a lot of trouble to write about an issue that simply did not apply in this case.²²⁸ This was never an issue simply of *academic freedom*; it was always an issue of *freedom per se*: a freedom that was being denied to Sabir and Yezza as individuals by the University of Nottingham. Sabir and Yezza had a perfect right to have in their possession the materials in question.

The booklet is, moreover, rather crude in the way that it attempts to denigrate several individuals, most notable Sabir and Yezza. The implication made clear from the work is that both are not as 'innocent' as they claim to be. The authors are unequivocal:

The Nottingham arrestees engaged in activity falling within Subsection (2) [of the Terrorism Act 2006 in that the]...student [Sabir] transmitted the contents of a terrorist publication...and the administrator [Yezza] provided (or intended to provide) a service to the student enabling him to read the publication.

The reader seems to be left in no doubt as to the 'guilt' of the two men. The first problem with this statement is that the *Al Qaeda Training Manual* was never a 'terrorist publication'. (Elsewhere Matthews said the two 'were in possession of terrorist documents'.²²⁹) It was only the university that had ever said this, not the police. The second issue, and it bears repeating *ad nauseam*, is that this very same 'terrorist publication' was - and still is - available, in its most complete form, from the university's own library. And this 'terrorist publication' was, moreover, only ever 'published' by respectable presses in the UK and the US - and not by any 'terrorists'. So Sabir and Yezza most decidedly did not 'engage in activity falling within the [Terrorism Act 2006]'.

²²⁸ O'Neill, 'Terror law in tatters'.

²²⁹ Dr Sean Matthews in comment to *THE*, 28 June 2009. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

The implications of giving the impression that the two were in some way guilty of terrorist-related offences without the authors providing any proof - and in what has to be, given the help that senior management patently provided to the two authors, a university-approved publication - are quite obvious.²³⁰

And it is not just Sabir and Yezza's possession of a 'terrorist publication' that was supposedly creating the suspicion. In their booklet, the two authors repeat accusations they had made earlier elsewhere. It is stated that the police were called in, not just because of the documents found, but also because of 'an assessment of the recent conduct and character of the co-worker [Yezza]'. There is mention also of 'an employee [Yezza] whose behaviour and state of mind had already generated concern'.²³¹ But, again, none of these co-workers of Yezza's make any mention of such 'conduct', 'behaviour' or 'concern' in their police statements. And the Registrar made it clear in his statement to the police, which is repeated in the Security Report, that it was only the three documents - and the three documents alone - that had led to his calling in of the police; nothing else. Daly and Matthews were very wrong to simply invent rationales for the police being called in.

The two authors go on to say that the university, in order to, quote, 'protect' Hicham Yezza, kept back certain information, 'much of it potentially damaging to...Hicham's good name'.²³² Well, such 'information' must also have been kept back from the police as well because Sabir notes that none of those who made statements to the police include any material that was damaging to Yezza's 'good name' (and WMPCTU will confirm this).²³³ Once more, the authors are making uncorroborated and defamatory insinuations.

But while no evidence is provided to back up these 'concerns' relating to Yezza's 'conduct', 'character' or 'state of mind' we are, though, provided with evidence in the booklet that Yezza's office was in 'the University's densely populated main administrative building (situated above the office of the Vice-Chancellor)'.²³⁴ And just what is supposed to be inferred from such a geography lesson? That if a bomb went off in this building then casualties, to include the Vice-Chancellor, would be severe? Why else make such a comment?

The help the authors received from the university in writing this booklet is very clear from the revelations about Yezza's personal details. We are told, for instance, that 'he was excluded from [his PhD] course...according...to his Department's account, because his funding body was not satisfied...with his progress'. Well, why was 'his Department' handing over such details?²³⁵ They also say that 'senior management ...[were]...wholly candid' in handing over details of Yezza's immigration status.²³⁶ Why did they do this? The authors say that senior management also told them that 'the University had agreed with Hicham Yezza that outstanding fees from his period as a doctoral student should be deducted from his salary'.²³⁷ Why were such personal financial details handed over? How could the two authors have obtained such information? Yezza certainly did not tell them.

²³⁰ Daly, Matthews, *Academic Freedom and the University of Nottingham*, p.23.

²³¹ *Ibid.*, p.14, p.15.

²³² *Ibid.*, p.36.

²³³ Conversations with Sabir.

²³⁴ Daly, Matthews, *Academic Freedom and the University of Nottingham* p.14.

²³⁵ *Ibid.*, p.25.

²³⁶ *Ibid.*, p.36.

²³⁷ *Ibid.*, p.37.

Information, say the two authors, and let it be repeated, was being supplied by ‘senior management’.²³⁸ If any ‘senior management’ did provide confidential personal details relating to Yezza then it is clear that they were in breach of their own contracts.

I complained to the current Vice-Chancellor Professor David Greenaway about the handing over of such information to Daly and Matthews, and about their making it public in their booklet. He said, however, ‘I am satisfied that there is nothing to be gained by further investigation of this matter’.²³⁹ This I found this to be ironic since one of the charges I had been found guilty of previously was that I had made public ‘confidential’ personal details’; including details which had already been made public under FoI!

Daly and Matthews were also given details about what had happened at a meeting of University Senate on 11 June 2008, when the issue of the arrests on campus was discussed. The authors were not present, but they write that ‘the Head of the School of Politics...did make a formal apology for the actions of his academic colleagues to the University Senate on 11 June 2008’.²⁴⁰ Anyone reading this would garner the impression that blame had been apportioned by Senate, and that it was those in the School of Politics who were ‘guilty’. But the problem here is that the stated Head of School (Professor Simon Tormey at that time) denies making any formal apology and another member of the School of Politics who was present denies hearing any.²⁴¹ Daly and Matthews fail to provide a source for their interpretation of what happened at this Senate meeting – the notes for which have ‘disappeared’.²⁴²

While these authors say that they were being supplied with information by senior management, it must be remembered that neither the Registrar, nor any member of Management Board, would agree to meet myself or other staff for any discussions the ‘arrests affair’ because, we were told, of the aforementioned issue of the *sub judice* of Yezza’s case. So how could Daly and Matthews say, ‘We had been able to discuss the issues with University senior management since virtually day one [post arrests]’. And while Yezza’s immigration case and appeal were still being heard, information about Yezza was, as Daly and Matthews make clear, being handed over to them by some of the very same senior university staff.

Daly and Matthews in this booklet also do not spare those academics who came out in support of Yezza and Sabir. They helpfully provide a complete list of all members of university staff (over 70) who had signed a letter to the then Vice-Chancellor asking him to take action to halt the ‘fast-track’ deportation of Yezza back to Algeria.²⁴³ This list is

²³⁸ Ibid, p.25, p.37.

²³⁹ Letter of Professor David Greenaway to author, 25 March 2011.

²⁴⁰ Ibid, p.34

²⁴¹ In regards to this whole situation, no stigma at all should be attached to Professor Tormey.

²⁴² The minutes for this meeting of Senate meeting do not record any apology. They merely state, under the title ‘Recent police investigation’, that ‘Senate discussed the recent police investigation on University Park campus and ENDORSED [sic] actions taken by the University in connection with this investigation’. That is it. And it is Point 19 (out of 19) on the agenda! The biggest ‘scandal’ to hit the University of Nottingham for many years and it merits just 22 words in a Senate Minute. The building of a sculpture on campus merited 73 words in this same minute! That is the only mention of this incident. The notes taken at the time for this Senate meeting have not been kept. Professor Tormey, now Head of Politics at the University of Sydney, wrote to me: “‘Formal apology’? That’s certainly not what was intended – more an expression of regret ... that events seemed to have got out of hand’. Email to author from Professor Simon Tormey dated 15 June 2010.

²⁴³ Daly, Matthews, *Academic Freedom and the University of Nottingham*, pp.51-53.

not provided by the authors in a positive light. Given what precedes it in the meat of the booklet, the inference must be that all these signatories must be supporters of Yezza and thus must be supporters of a ‘terrorist’. The publication of this list of names serves no useful purpose and its inference is quite disgraceful. (My own name is not on this list. As I say, I am not the ‘protesting’ type.)

The authors also suggest, as they did previously in various letters, that certain academics were not telling the truth. An opening quotation on the first page of their booklet sets the timbre for the whole work. This is from Bill Rammell, the former Minister for Further and Higher Education. He is noted as having once said that: ‘No reputable scholar would argue that academic freedom includes freedom to falsify or suppress evidence’.²⁴⁴ The implication would appear to be that there are academics in the University of Nottingham who ‘falsified or suppressed evidence’. However, at no point in this booklet written by Daly and Matthews do they present any evidence of their own that ‘evidence was falsified or suppressed’. The irony, of course, of Mr Rammell making this statement is that the academic, Sir Colin Campbell, had already both ‘falsified’ and ‘suppressed’ evidence in his communications with Mr Rammell himself. This is clear and unequivocal.

This booklet’s text is rich with accusations of a similar mind: ‘someone speaking’, say the authors, ‘from an academic position and/or with academic authority is thus expected to be telling the truth’.²⁴⁵ (They are talking here about the ‘junior lecturers’ in the School of Politics such as myself, and not senior management – just in case there is any confusion.) On page forty-three they aver that ‘the involvement of so many academics...who appear to have failed to assure themselves of the most basic truths of the case...has been a cause of genuine shock’.²⁴⁶ Later, there is reference to the ‘irresponsible, opportunistic and unethical conduct of many colleagues involved in the campaign to support Mr Yezza’.²⁴⁷ They go on, ‘We do not believe that sympathy for Mr Yezza’s position should be incompatible...with the truth. Indeed, we believe that academic freedom involves a responsibility to veracity and honesty which has been repeatedly betrayed by those speaking for Mr Yezza’.²⁴⁸ Indeed, they repeat Sir Colin’s defamatory words from his *THE* letter: ‘We would not have expected so many of our colleagues, in the then Vice-Chancellor’s words, to utter statements which are “careless, entirely false and bear little relation to the facts”’.²⁴⁹ As a *coup de grâce* they write, for these dishonest people ‘To criticise the University for the...catastrophic results is perverse’.²⁵⁰

Not content with calling myself, and like-minded others, in essence, ‘liars’, Daly and Matthews also write, and in relation to the original arrests, that ‘of course, none of this would have happened had Rizwaan Sabir’s...supervisors been alert to their responsibilities in respect of handling potentially inflammatory materials’.²⁵¹ The first problem with this is that Sabir had no ‘supervisors’ when he sent the ‘offending

²⁴⁴ Ibid, p.5.

²⁴⁵ Ibid, p.17.

²⁴⁶ Ibid, p.43.

²⁴⁷ Ibid, p.54.

²⁴⁸ Ibid.

²⁴⁹ Ibid., p24.

²⁵⁰ Ibid, p.43.

²⁵¹ Ibid p.39.

documents' to Yezza. No MA dissertation supervisor had been appointed for him (or any other student) at that time. He was just being a switched-on student and was being proactive in his research. He did not need to wait for any supervisor. Since, however, I was the only lecturer who had seen both his MA dissertation and PhD proposals then I suppose I was the 'guilty' party. But none of the three documents which brought about the arrests was mentioned in either of his proposals; and, of course, the 'inflammatory materials' being referred to by Daly and Matthews were obviously not inflammatory at all. In fact, since they were all available from the university library I am wondering why Daly and Matthews did not also criticise the university's main library. Indeed, based on the evidence supplied by the Registrar and Professor McGuirk, why was the Chief Librarian not also arrested at the same time as Sabir and Yezza? He was making these very same 'inflammatory materials' available to *all* students - was he not?

Of course, what Daly and Matthews did not do was - to use one of their own phrases - 'assure themselves of the truth of the case'. But why should they? They, like their supporters in senior management, had made their 'pre-judgement'. Why bother checking any facts? The 'facts' were obvious and did not need checking: 'Orthodoxy means not thinking - not needing to think. Orthodoxy is unconsciousness'.

This booklet, *Academic Freedom and the University of Nottingham*, is full of innuendo, insinuation, and unfounded accusations. It makes Rizwaan Sabir and Hicham Yezza out to be in some way 'guilty' of terrorist-related offences, and it unfairly maligns those who came to their defence. The university's senior management should not have supported its writing, its production and its distribution - both within the university and beyond it.

It seems apposite to leave this section with a quotation from Dr Daly - who is clearly a spokesperson for management. He has written that the 'statement that Sabir's arrest was wrongful is simply without foundation. An arrest is not wrongful because it does not lead to a charge. Sabir was quite legally arrested'. He was arrested for having a library book in his possession. But can we take it that this view of Dr Daly's was also that of those in senior management who were so supportive of Dr Daly - the likes of the Registrar, the Professor of Law, Diane Birch and the Communications Director, Jonathan Ray?

The involvement of prestidigitation

I made FoI and DPA requests to see all the communications traffic, including emails and letters, sent by university staff, including between the two authors, in relation to the advice provided and to the writing, publication, distribution and the legal assistance given in regard to the production of this booklet. And this was a work in which the two authors say that 'senior management' were 'quite forthcoming with information', and where they were 'never denied information' by management. I was, however, told by the university's Data Protection Office that there was no such traffic. Absolutely nothing. No information had ever been communicated by anyone in the university to anyone else in the university, or to anyone outside it, in regards to the production of this booklet. Neither Daly, nor Matthews nor the university can have run it past any lawyers. Publishers and printers cannot have been sent any correspondence. Daly and Matthews must have written it without ever once emailing each other about it. The pair must have been given the information they say they received from senior management purely in verbal form. The booklet must have been distributed around the university by academics who had received

no email communication to do so. The collusion that had led to its being described by lecturers using exactly the same wording must have come about by some form of telepathy. Really? Truly something magical had occurred at the University of Nottingham.

But why the secrecy? What did the University of Nottingham, an institution ‘committed’ - as it trumpets - ‘to high standards of openness and accountability’ think it had to keep hidden?²⁵²

Dr Daly, in light of both myself and Sabir making FoI requests of him to make information public, subsequently removed himself from the University of Nottingham’s email system. He did this, he said, because he objected to the fact that his emails were not permanently, quote, ‘deletable’.²⁵³ Once again, one has to ask what he has to keep secret.

American Studies

Daly and Matthews did not stop their campaign with their booklet. Daly, for instance, wrote to the *THE* on 29 June 2009 to berate Dr Maria Ryan, a junior lecturer from the Department of American Studies at Nottingham. Dr Ryan had also stood up, in regard to the whole arrests’ affair, against the behaviour of both university senior management and of Daly and Matthews in particular. Dr Daly takes issue with the fact that Dr Ryan had written that she knew Sabir had been given fee waiver for his PhD studies by certain staff in the School of Politics. (See below.) Sabir had actually told Dr Ryan that he had received the fee waiver because he was happy about it and had no reason to keep it a secret. But Daly comments:

I am quite simply stunned that [she] thinks that the confidential processes whereby a student gains finance from her [sic] School should be made a matter of public record. That strikes me as being as an invasion of Mr Sabir’s privacy. I refer her to her own contractual clauses on confidentiality and the relevant University policies.

Again, Daly seems to assume that this lecturer was in the School of Politics (she was not) and has somehow passed on information privy only to academic staff in the School of Politics.

I add the above passage because I believe it is worth recording if for no other reason than it is coming from a man who had earlier airily waved around Yezza’s personal financial details for public perusal in his publication, *Academic Freedom and the University of Nottingham*. The likes of such details, as he said, were given to him by ‘senior management’ in the university. Some might also call this an invasion of Mr Yezza’s ‘privacy’.

²⁵² The then Deputy head of the School of Politics, Dr Mathew Humphrey, offers, in an email to a publisher to send them a copy of the booklet: ‘I would be very happy to send you a copy should you be interested’. It could be found, he said, at <http://www.academicfreedom.co.uk>. Email of Dr Mathew Humphrey on 8 July 2009 at 13.03.

²⁵³ Dr Daly now has an automatic email reply on his university account which says: ‘I no longer use this email address on account of the fact that all emails sent to or from University of Nottingham email addresses are automatically stored on its system and, I am informed, are not permanently deletable by sender or receiver’. Reply received by author from Dr Daly on 23 June 2010 at 11.34.

Daly, moreover, was later to become involved - remarkably - in ‘overseeing’ Sabir’s PhD studies in the School of Politics. This came about because Sabir, once he had been released, continued with his MA studies and later went on to begin his PhD. (See below.) Daly’s co-author, Matthews, once emailed the Registrar (and cc’d in Daly) to say that (after a redacted section): ‘there is also a ticking time bomb in terms of Mr Sabir’s continuing presence in the School [of Politics] – his supervisors report that he is nowhere near up to the mark’.²⁵⁴ So some ‘supervisors’ from my own School ‘reported’ to Matthews, who, in turn, reported to the Registrar and Dr Daly? Does one think that Dr Daly, on being sent such an email, was likewise ‘quite simply stunned that the confidential processes whereby a student’ conducts their academic work ‘should be made a matter of public record’? Probably not.

Truly, Dr Macdonald Daly and Dr Sean Matthews are interesting characters. And they are characters, it is clear, actively supported by the hierarchy of the University of Nottingham - and by some academics within the School of Politics. Emails prove this. And so one can only assume that the sentiments expressed in the booklet - among them that Sabir and Yezza had a case to answer on terrorism charges - must also reflect the views of both senior management and of certain members of the School of Politics. If senior management *had* disagreed with its contents then the authors would have had much less access to senior management. If senior management *had* disagreed with its contents then the booklet would not have been advertised by them as being on ‘prominent display’ in the university’s bookshop. If some members of the School of Politics *had* disagreed with its contents then the School’s Exams Officer would not have distributed the booklet into staff pigeon-holes, and she and other members of the School would not have been publicly singing its praises in letters to journals and to publishers.

Post-arrest, Sabir was thus having to continue his MA, and his later PhD, in a university and, more particularly, in a School of Politics where, it was clear, if only from the support shown for this defamatory booklet, that he would not be treated fairly. And so it indubitably proved.

The defacing of Rizwaan Sabir’s Wikipedia site.

In this whole tawdry affair perhaps the most juvenile and, indeed, amateurish act carried out by those in senior management, or those with close links to senior management, relates to the defacing of Rizwaan Sabir’s Wikipedia site. I mention this because it shows just how far the university’s hierarchy was prepared to go in its defensive posture.

Sabir’s site was altered on 8 August 2008. The changes made were signed as coming from ‘the regular Joe-Schmoe students of the University of Nottingham’. Thus it was made to appear as if this was the result of some student prank. This, however, it clearly was not.

The main message of the alterations was that, since neither Sabir nor Yezza were academics then they had no right to the ‘academic freedom’ that would allow them access to documents such as the *Al Qaeda Training Manual*. (Thus it was the same argument put forward by Drs Daly and Matthews in their booklet, which was, at this time, yet to be published). However, for any prankster to have made such a pedantic point might seem to have been just a bit too subtle for any ‘Joe-Schmoe student’. Indeed, there are many other

²⁵⁴ Email of Dr Sean Matthews to the Registrar, Paul Greatrix, and Dr Macdonald Daly on 29 June 2009 at 12.54.

indicators to show that the changes were not the work of students at all, but rather that of well-connected university staff. Students would not, for instance, refer to themselves in the third person, i.e. ‘they’ (the students). Nor would students refer to university staff as ‘colleagues’. And no student would use the antediluvian Cold War term ‘pinkos’ - as in the phrase ‘the delicate sensibilities of a few pinkos in the school of politics’. (If any McCarthyists are reading this, I hereby deny that I am, or have ever been, a ‘pinko’.) Students, moreover, nor anyone from outside the university, would refer to it as the ‘University’, with a capital ‘U’. The authors (the term ‘we’ is used) of the changes are also very well informed. Who knew, for instance, that Yezza was a ‘junior co-worker’ of the person who actually found the documents on his office computer? And who would know (or care) about the fact that Yezza was a ‘level 3 (i.e. junior) administrator’? This is a very esoteric detail again known only to a very small number of people.²⁵⁵

Most crucially, however, who could possibly have known that, as the authors of these alterations state, that it was the decision of, quote, ‘the University’s senior administrative officer [i.e. the Registrar] to call the local police’. *But the whole university had been told via a series of portal statements (including that of 9 July 2008) that the calling in of the police had been a ‘collective decision’ by ‘The Vice-Chancellor, Registrar and senior management of the University’. And that it had been carried out, moreover, after a ‘risk assessment’.* Only a very small number of senior management staff could have known that it was actually the Registrar *alone* who had taken the decision to call in the police. *So how do the authors of these alterations know this?*

Thus this rather bizarre and singularly malign act of changing Sabir’s Wikipedia site can only have come from individuals either within senior management or very much allied to it. And we are also looking for those not blessed with too many grey cells; evidenced, among other clues, by the fact the perpetrators could not spell – ‘reckless’ is twice spelt ‘wreckless’!²⁵⁶

Rizwaan Sabir and his need to be ‘protected’

From the minute that Rizwaan Sabir was arrested we know that he came to be a marked man. Rather than being concerned about his ‘welfare’, and rather than sending someone from the university to visit him while he was in custody, the university had gone in the opposite direction. The exclusion letter for him had been prepared the day after his arrest.²⁵⁷ It appeared that as far as the university was concerned, Sabir was guilty until proven innocent. This again puts into some perspective the ‘no judgement was made by us’ assertion; and it also undermines the public statement by Management Board that ‘the University did not...reach any conclusions about their [Sabir and Yezza’s] actions before police investigations concluded’.²⁵⁸

Once Sabir had been released and had returned to his MA studies, it was obvious that the university had applied its own verdict on him. He was never going to escape the ‘suspect’ tag that had been applied by the professor of law, Diane Birch, or shake off the

²⁵⁵ No academic would normally have a clue as to the ‘level’ of administrators in the university. It only means something to those academics acting as UCU representatives, or to those who used to be UCU representatives. Administrators at ‘Level 3’ or below are not entitled to UCU membership.

²⁵⁶ Printed-off page of Rizwaan Sabir’s Wikipedia site as at 8 August 2008.

²⁵⁷ Entitled ‘Suspension/Exclusion letter’, dated 15 May 2008.

²⁵⁸ University of Nottingham portal message, 27 May 2008.

baggage provided by the Registrar's accusation that he had downloaded an 'illegal' document. And, in regard to his future in the university, a rather dark question was posed by the Head of Security, Gary Stevens. In the Briefing Notes he co-authored with the Registrar, he himself had asked: 'Does Riswaan [sic] Sabir require any protection if he proceeds to PhD? [sic]',²⁵⁹ What exactly this 'protection' could entail - and from what - is not stated. It may, though, have been akin to the 'protection' that I was being offered with the 'controlling' of my reading lists.

Released emails also show that senior members of management - including the new Vice-Chancellor, Professor David Greenaway, the Registrar, the Head of Security and the Head of Academic Services (who also acted as the Data Protection Officer) were being kept informed by staff in the School of Politics as to Sabir's progress in his MA and in his later PhD studies.²⁶⁰ Such observation went so far as to include a request to the University's Registry from the Head of Security asking, rather remarkably, for the results obtained by Sabir at his undergraduate university, Manchester Metropolitan University.²⁶¹ Why? What business was it of his?

The Pro-Vice Chancellor for Student Support, Stephen Dudderidge was also asking the School of Politics for details on how Sabir's MA was progressing. Once informed, he would then pass on the information to, within the same emails, the Registrar and the Head of Security.²⁶² Why? As noted, even the writers of the mischievous booklet, Drs Daly (School of Modern Languages) and Matthews (School of English), were also for some reason being made aware of issues related to Sabir's MA studies and his later PhD research. (See below.) Sabir's academic progress was absolutely no concern of junior lecturers in other Schools, especially junior lecturers who had publicly defamed him. So just why were *they* being kept informed by university senior management and by staff in the School of Politics?

Keeping such a watchful eye on a student might be labelled as 'spying'. This, indeed, had been an issue of concern raised just after the arrests by the *Muslim News* newspaper when it had called the University of Nottingham to task by saying that 'some of the staff are spying on Muslim undergraduates'. This had been flatly denied at the time by the Registrar: 'This', he wrote, 'is simply not true'.²⁶³

Of course, with this sense of antipathy towards Sabir being generated at the highest levels of university management, it was - perhaps sadly - only natural that a number of academics further down the rank spectrum followed this same line. During his MA and PhD studies Sabir was unequivocally the subject of behaviour within his own School of Politics that marked him out as being - at the very least - 'different'. The treatment he faced was, in fact, scarcely believable in any modern British educational institution of any type.

Sabir's continuing studies

²⁵⁹ 'Briefing Note', p.16

²⁶⁰ Email of Stephen Dudderidge (Student Operations and Support) to Dr Paul Greatrix (Registrar), Gary Stevens (Head of Security) Robert Dowling (Data Protection Officer) on 24 September 2008 at 14.32.

²⁶¹ Email of Chris Bexton to Gary Stevens on 2 July 2008 at 10.28.

²⁶² Email of Stephen Dudderidge (Student Operations and Support) to Dr Paul Greatrix (Registrar), Gary Stevens (Head of Security) Robert Dowling (Data Protection Officer) on 24 September 2008 at 14.32.

²⁶³ Email of Registrar to Jonathan Ray (Communications Director) of 10 July 2008 at 1430. The Registrar is composing a letter to be sent to *Muslim News*.

It was clear that senior management did not want Rizwaan Sabir to remain in the university after his release. He continued, though, with his MA studies and with the supposition that he would then go on to start the PhD. But he had to gain a mark of 60 per cent or above on the MA to make this step. Sabir should have achieved this mark. However, he did not. The way he was treated so that he dropped short of the 60 per cent barrier I consider to be quite scandalous. I describe the issues surrounding this issue in an appendix.

Sabir's final overall final MA mark was 58.3 per cent. (If it was 0.2 per cent higher it would have been rounded up to 59 and this, in turn, could have been rounded up to 60 per cent.) So he was not permitted to move from the MA to the PhD. Professor Heywood, the Head of School, then emailed a remarkable panoply of 'interested' actors to tell them that Sabir would not now be staying at the university to begin his PhD. On 27 February 2009, he wrote to the new Vice-Chancellor, David Greenaway, the Registrar, Paul Greatrix, and the pro-vice-chancellors, Stephen Dudderidge, David Riley, Christopher Rudd, and to the Dean, Sarah O'Hara. The first question here is: why would all these people want to know whether one individual student was going to remain at the university or not? And why would Professor Heywood think that they would care? This was different. Helpfully, and in case he felt left out, Gary Stevens, the Head of Security, was also later emailed Professor Heywood's news by Stephen Dudderidge.²⁶⁴ Professor Heywood had written:

Mr Sabir has now completed all the elements of his MA, and his final result is 58.3 – too low to round up to 59, which could in turn allow for compensation under our regulations. Having discussed the issue with senior colleagues in Strategy and Resources Committee, we are of the view that we must be consistent in the application of our standards. Since Mr Sabir has failed to meet the criteria for entry, we therefore propose to inform him that he will not be awarded a place on our PhD programme. I have made enquiries, and I am confident that Mr Sabir's work has been assessed appropriately and that he has been given ample allowance to compensate for the disruption to his studies.²⁶⁵

Later in this email Professor Heywood also criticises those in the School of Politics responsible for previously awarding Sabir a fee waiver for his (supposed) upcoming PhD studies. 'In their wisdom', he says, 'colleagues in the School had also offered a fee waiver'.²⁶⁶ The phrase 'in their wisdom' would appear to imply that Professor Heywood did not approve. Why? And how does he think he can get away with using such a phrase in a communication to this assemblage of the university's great and good? Perhaps he knows his audience will be sympathetic to his annoyance that a fee-waiver was offered? Certainly, there is no evidence that Professor Heywood was chastised by anyone in the hierarchy for making such an inappropriate comment.

²⁶⁴ Email of Stephen Dudderidge to Gary Stevens on 3 March 2009 at 08.16.

²⁶⁵ Email of Professor Paul Heywood to Professor David Greenaway, Dr Paul Greatrix, Stephen Dudderidge, Professor David Riley, Professor Christopher Rudd, Professor Sarah O'Hara on 27 February 2009 at 10.05.

²⁶⁶ Email of Professor Paul Heywood to Professor David Greenaway, Dr Paul Greatrix, Stephen Dudderidge, Professor David Riley, Professor Christopher Rudd, Professor Sarah O'Hara on 27 February 2009 at 10.05.

So this seemed to be the end of Sabir's PhD hopes.

(As an addendum here, the fact that Sabir had been awarded a fee waiver for his PhD was trumpeted as being proof that the School of Politics was not 'racist'. A 'former student' had sent a comment to the *THE* to say this was a School that 'I, and everyone I know personally, sees as patently racist'. A professor from the School wrote a reply to this student to point out that, because Sabir had received a fee waiver, then this was proof that the School was not 'racist'. This professor, however, did not know that senior management were obviously not happy that this fee waiver *had* been awarded. He was not supposed to have it.)²⁶⁷

Sabir can stay

But, oops. There had been a cock-up. Someone in the School of Politics hierarchy had made a mistake. Sabir was reprieved - and could stay and do the PhD - by the fact that one of the professors in the School had written on Sabir's original MA acceptance documentation that all he had to do in order to progress on to the PhD programme was to gain a 'pass' (i.e. above 50 per cent), and not the usual 'merit' (i.e. above 60). With 58.3 per cent he was well above this barrier. He was in!

This caused consternation. After solemnly telling the university's senior management that Sabir was out of the university, Professor Heywood now had to retract and to tell them he was back in. He wrote again to the same senior figures to say that Sabir was now staying. And he was staying, moreover, with the award of fee-waiver! He now wrote:

Further to my message of last week, I have learned today – to my considerable irritation – that the offer letter to Rizwaan Sabir simply stipulated a pass at MA, rather than the School's usual standard of at least 60% ...[this]... none the less leaves us with no grounds to refuse entry.²⁶⁸

'No grounds to refuse entry'? Was this really the way in which this issue was being looked at? And why does Professor Heywood use the phrase, 'to my considerable irritation'? He would surely only be using it if he, again, knew the timbre of his audience: the Vice-Chancellor, the Registrar, Professor O'Hara and all the pro-vice-chancellors. This audience, one might surmise from Professor Heywood's comments, would likewise be 'irritated' by the fact that Sabir was now staying to do the PhD. But surely the sentiment should have been: 'Rejoice! Let joy be unconfined! There's been a cock-up! We can now take this Muslim, ethnic-minority, working-class, comprehensive-educated Nottingham lad whose father is a car mechanic! Excellent news!' Instead, the direct opposite seems to be the case. It is as if both Professor Heywood and his audience were looking for 'grounds to refuse entry'.

Professor Sarah O'Hara, the Dean of the School of Social Sciences and Professor Heywood's immediate superior, is also not pleased. She later emails Professor Heywood to say, 'I am concerned about us giving a student who has a mark below 60 (and some

²⁶⁷ Comment from 'Former Student' to *THE* website 26 June 2009, and reply from Professor Steven Fielding, 26 June 2009. At

²⁶⁸ Email of Professor Paul Heywood to Professor David Greenaway, Dr Paul Greatrix, Stephen Dudderidge, Professor David Riley, Professor Christopher Rudd, Professor Sarah O'Hara on 27 February 2009 at 10.05.

marks in the low 40s – a fail at masters level) a fee waiver’.²⁶⁹ This cannot, however, be seen as fair comment. Sabir had had his dissertation mark brought down in contravention of regulations, and he had *one* mark in the low 40s, not ‘some’; and this particular mark was the combination of the essay graded at 75 per cent and an exam at 11 per cent (see Appendix). Professor Heywood then emails back to Professor O’Hara to say:

I cannot see that there is any way to undo the damage: the letter to Sabir was clear that all he needed to do was pass, which I have to say I find bizarre given his academic track record before coming to Nottingham (distinctly ordinary).²⁷⁰

The first point to make here is that the initial part of this email of Professor Heywood’s has been redacted – yet the whole email must refer to Sabir and, as such, should have been released in its entirety to him when he asked for it under DPA. What was being hidden? The second point is why is Professor Heywood saying that Sabir’s staying, and his receipt of a fee waiver, is ‘damage’? This also does not seem to be fair comment. The third point is that Sabir, ‘before coming to Nottingham’, had received final year marks at Manchester Metropolitan University of 74, 66, 66, 64, and 57. This equates to a very clear 2:1 degree. This is hardly ‘distinctly ordinary’, as Professor Heywood says. It is, in fact, pretty good; especially so given Sabir’s comprehensive school background.²⁷¹ Sabir is being made the subject here of yet further unseemly, unprofessional and denigrating remarks.

Advice to Sabir

So Sabir was now staying and had started his PhD work. Aware, though, of the attitude within the School, I told him, in the spring of 2009, that as soon as the chance came for him to start another PhD elsewhere then he should take it. Management, I was convinced (without knowing all the details that I now do), would make sure that he would not be awarded a fee-waiver for his second year of study. He would then have to give up on his PhD. But Sabir did not want to leave Nottingham. He did not want to leave the family home. He eventually did go, however, to Strathclyde University. There he took up a very good offer (internationally advertised) from an institution and a PhD supervisor, Professor David Miller, who did appreciate his talents. At Strathclyde his PhD is funded by the Economic and Social Research Council (ESRC).

Sabir had never done anything wrong while at the University of Nottingham (bar being a little cheeky with a printing request to his friend, Yezza). This needs to be remembered. Both his arrests - at the ‘West Bank Wall’ demonstration and later under the Terrorism Act - should not, in any right-thinking person’s eyes, have happened. But a sense of just what he had been up against while studying in the School of Politics can be garnered from a series of emails that Professor Heywood sends when he hears that Sabir is leaving the university for Strathclyde. To the Exams Officer he writes, in relation to Professor Miller: ‘if he has taken Rizwaan off our hands...we are in his debt!!’ (The exclamation marks are as in the original.) The Exams Officer replies: ‘Has he really taken

²⁶⁹ Email of Professor Sarah O’Hara to Professor Paul Heywood on 2 March 2009 at 17.50.

²⁷⁰ Email of Professor Paul Heywood to Professor Sarah O’Hara on 2 March 2009 at 17.59.

²⁷¹ From Rizwaan Sabir’s transcript from Manchester Metropolitan University.

Rizwaan?...Fingers crossed'.²⁷² Professor Heywood also emailed his deputy, Dr Humphrey, to say, in relation to Sabir's leaving, that it was, 'Nice to have some good news!'²⁷³ (The exclamation mark is as in the original.) And an office administrator who had emailed Professor Heywood to say that Sabir was departing receives the reply: 'Both delighted and astonished!! What on earth are the ESRC thinking - but then who cares?!'²⁷⁴ (The exclamation marks are as in the original.)

This triumphalism - this 'delight', this 'good news' - from Professor Heywood was in relation to a student who had never been a problem in the School of Politics. He had always been civil to everyone he had ever dealt with there. Again, and I cannot say this often enough, in not one of all of the hundreds of emails of his that I later had access to does Sabir make any disparaging remarks about anyone in the university, or engage in any kind of religious or political comment. In all of the hundreds of emails from members of staff in the university that I have seen does anyone make any mention of something he has done wrong – outside of the issues surrounding his arrests. Moreover, he was the type of student who is sorely lacking at all levels in the University of Nottingham. He ticked all the boxes you could ever wish to see ticked in terms of 'widening participation' - and he was a PhD student no less! Sabir should have been treated like gold dust in the School of Politics, and in the University of Nottingham more generally. Sadly, the exact opposite applied. His Head of School had been 'delighted' to see him leaving and had asked, in relation to this departure, the crushing question, 'who cares?' But it was Professor Heywood's *job* to 'care' about Rizwaan Sabir. He was legally obliged under both Common Law and the University of Nottingham's regulations to provide a duty of 'care'.

And is it so outrageous to assume that Professor Heywood's comments here might just provide the context in which to judge *everything* else that happened to Sabir while he was a student in the School of Politics at the University of Nottingham? (See also Appendix.) Patently, Professor Heywood did not want him in his School. Why?

It is worth being reminded again here about the UNESCO guidelines for higher education institutions. These guidelines were designed to instil 'Western' standards of accountability into universities in the developing world. In the 'Institutional Accountability' section it relates that 'Member States and higher education institutions...should be accountable for: ensuring that students are treated fairly and justly, and without discrimination'.²⁷⁵

Putting the safeguards in place

After such a dramatic event as the terrorism-related arrests on campus it would seem natural if some sort of internal university investigation had taken place. This would, one might think, have produced a few 'lessons learned'. And it would, if nothing else, have acted as guidance for other universities. Certainly, in the immediate wake of the arrests, the senior management of the university emailed various parties to say that, yes, indeed, the university was in the process of setting up a committee that would investigate the case

²⁷² Email exchange between Professor Paul Heywood and Dr Pauline Eadie on 29 July 2009 at 17.25 and 19.07.

²⁷³ Email of Professor Paul Heywood to Dr Mathew Humphrey of 27 July 2009 at 16.32.

²⁷⁴ Email of Professor Heywood to (name redacted) of 27 July 2009 at 16.30. The second statement is from an email of two minutes later.

²⁷⁵ UNESCO *Status of Higher Education Teaching Personnel* (1997)

of the arrests. This would make recommendations that would prevent such problems from occurring in the future and establish protocols to deal with any such problems if they did arise. The President of the Students' Union (NUS) at Nottingham was one who had asked the Registrar for an 'articulation' by the university 'of some formal guidelines which clearly inform our students' in terms of what they could and could not use as research material.²⁷⁶ The Registrar wrote back saying (and he has used these exact words elsewhere):

I want to assure you that the University Research Committee is currently considering the enhancement of our research ethics framework and will now also look specifically at the issues raised by these events. The concern here will be to ensure that we are able to provide appropriate protection to those who are conducting legitimate research in what might be controversial areas. In seeking to advance this matter the working group established by Research Committee will be aiming to gather views from interested parties across the University, including students. In clarifying the legal framework which relates to freedom of speech we will shortly republish and promote the University's Freedom of Speech Code.²⁷⁷

The NUS president replied and noted that:

The primary issue for us was ensuring that there will be clear guidance from the University for student researchers, activists and campaigning groups who legitimately research into these areas and a clear protocol [formulated]....I am satisfied...that the University are working on this...and am pleased that this will include the opportunities for all members of the campus community to feed into [it].²⁷⁸

The Registrar also wrote to a professor in the university to tell him that the 'University is already addressing issues raised by the events...through the ongoing work of the Research Committee in order to ensure that our staff and students involved in challenging research are properly supported and protected'.²⁷⁹ The Registrar also told the *Education Guardian* that:

One issue to arise from recent events is the level of discussion and guidance on the rights and responsibilities of staff and students in terms of research and freedom of speech [...] the University Research Committee is currently considering the enhancement of our research ethics

²⁷⁶ Email from President of Students' Union [name redacted] to Registrar, Dr Paul Greatrix on 21 May 2008 at 13.04.

²⁷⁷ Email from Registrar to President of Students' Union, date redacted. Also, for instance, in email of Registrar to [name redacted] on 23 May 2008 at 21.30.

²⁷⁸ Email of President of Students' Union to Registrar on 22 May 2008 at 16.21.

²⁷⁹ Email of Registrar to Professor [name removed by author] on 25 September 2008 at 19.20.

framework. The concern here will be to ensure that we are able to provide appropriate protection to those who are conducting legitimate research.²⁸⁰

In another email, the Registrar said that a ‘working group [has been] established by Research Committee’ that would (again!) provide ‘appropriate protection to those who are conducting legitimate research’.²⁸¹

The future Vice-Chancellor, David Greenaway, added his own reassurance to a correspondent: ‘The issue of further guidance has, as I think you know, been taken up by the Research Committee and will be looked at very carefully’.²⁸² And Stephen Dudderidge also joined in. He talked of ‘the work undertaken to provide enhancements to the protocols for handling sensitive material’. A research committee had been set up, he related, which ‘seeks the views of the wider academic community’.²⁸³

So far so good. All under control. However, no such ‘advice’, ‘guidance’, ‘protocols’ or ‘protection’ was ever forthcoming from the university. I had never heard of this ‘working group established by the Research Committee’ until I saw emails referring to it in September of 2010. I know of no-one who was asked to contribute to it - I certainly was not, and yet I was the university’s only ‘expert’ on terrorism and the only person who was familiar with all the issues involved.

There was certainly no report produced into the whole arrests situation (it would have been released under FoI legislation if it did exist), and no-one has ever been provided with any direction in light of its considerations - least of all myself or my Head of School, Professor Heywood (who controls the only School in which terrorism courses are taught). Moreover, Professor Heywood, it will be remembered, received no direction at all as to what he should put in place by way of relevant ‘precautions’ at his level. He had said that he - and he alone (but after some encouragement from the School’s Office Manager) - had instigated the ‘controlling’ of my reading lists through the School’s research ethics committee.

So it was clear: despite all the fall-out that had resulted from the arrests of Sabir and Yezza, the only ‘advice’, ‘guidance’, ‘protocols’ or ‘protection’ produced by or within the University of Nottingham was the ‘advice’ given by a School’s Office Manager to a Head of School. There was nothing else. So I am not sure what happened to the Research Committee’s working party and, by extension, to the Registrar’s wish ‘to ensure that our staff and students involved in challenging research are properly supported and protected’.²⁸⁴ It is clear, then: no support at all has been provided to either students or staff.

My request for guidance

But my students and myself still needed ‘protection’. Once the furore over the arrests had died down, I still needed to carry on teaching terrorism courses and I still had students using the *Al Qaeda Training Manual* as a source in their essays, dissertations and even

²⁸⁰ Taken from document held by university from the Education Guardian. Entitled ‘A thorough and sensitively handled investigation: The University of Nottingham’s statement’. 24 May 2008.

²⁸¹ Email of Registrar to [name redacted] on 23 May 2008 at 21.30.

²⁸² Email of Professor David Greenaway to [name redacted] on 28 May 2008 at 15.42.

²⁸³ Email of Stephen Dudderidge to [name redacted] of 28 May 2008 at 10.31.

²⁸⁴ Email of Registrar to Professor [name removed by author] on 25 September 2008 at 19.20.

exams. And Rohan Gunaratna had, after all, said it was ‘required reading’, and basic textbooks were encouraging students to access it - specifically from the US DoJ site.

So what was I supposed to do with my students who used this document? Should I report them? Tell them off? I wanted to know what the university’s position was. I needed top-cover. And certainly, once I heard that Sabir had been told by the Registrar that the *Al Qaeda Training Manual* was outright ‘illegal’, I was even more concerned. Was it ‘illegal’ just for students? Just for Muslims? Just for Muslim students? Just for Muslim men? Or just for people with a dark skin? I needed clarity.

Some two days after his 15 July 2008 meeting with Sabir I emailed the Registrar to obtain the necessary guidance. I asked him whether Sabir - whose dissertation I was now supervising - could continue to use the *Al Qaeda Training Manual* as a source. The Registrar wrote back: ‘I think it is perhaps quite difficult to for [sic] him to cite the document but you will understand that I am not going to say whether or not he should’.²⁸⁵ No, I did not understand. Just two days earlier this same Registrar had had no qualms about telling this student that the *Al Qaeda Training Manual* was ‘illegal’, and akin to child pornography. So just what had happened in the two days between this verdict and my email to him? Why was the Registrar now so coy?

Indeed, on the very same day (17 July 2008), and unbeknownst to me, Dr Maria Ryan from the American Studies Department (and presumably at Sabir’s request) also emailed the Registrar to ask whether or not her students could use the *Al Qaeda Training Manual* in their work. His reply to her was similarly coy: ‘I am not going to tell you what advice to give to your undergraduates’.²⁸⁶

This was a little strange. Just what had happened to the pious public statements about making sure staff and students were, to quote the Registrar, ‘properly supported and protected’?²⁸⁷ And what about the Registrar’s pledge ‘to provide appropriate protection to those who are conducting legitimate research’?²⁸⁸ Why could the Registrar not tell both myself and Dr Ryan what he had just told Sabir - i.e. that it was certainly very wrong of him to be using this document? It was either ‘illegal’, and students should not be using it, or it was ‘legal’ and students could use it. And this *was* the Registrar’s decision to make – he had said so himself. As the police officer had said when interviewed as part of the CFO’s investigation, ‘It is for the University to determine what physical documents may be accessed by students’.²⁸⁹ And as another had said: ‘It is for the University to determine what physical documents may be accessed by students’.²⁹⁰ So it was the Registrar’s call to make; no-one else’s. And he had, after all, advertised the fact that he was ‘personally responsible for the formation of policies and procedures within the University’. So why now was he shirking responsibility?

The Vice-Chancellor, Professor David Greenaway, it will be recalled, had once pointedly asked others in the hierarchy: ‘who gave permission for Mr Sabir to access it

²⁸⁵ Email of Registrar to author of 17 July 2008 at 14.44.

²⁸⁶ Email of Registrar to Dr Maria Ryan on 17 July 2008 at 17.19.

²⁸⁷ Email of Registrar to Professor [name removed by author] on 25 September 2008 at 19.20.

²⁸⁸ **Taken from document held by University from the Education Guardian. Entitled ‘A thorough and sensitely handled investigation: The University of Nottingham’s statemnet’. 24 May 2008.**

²⁸⁹ CFO’s Report.

²⁹⁰ Ibid.

[the *Al Qaeda Training Manual*]?”²⁹¹ And here I was asking for such ‘permission’ from the very person I should be asking - the Registrar himself - and yet he would not give me an answer!

Make yourself right at home there, Mr Kafka.

So if the man - the Registrar - responsible for being responsible for such decisions could not enlighten me then just who would be the source for my guidance? What about the Communications Director, Jonathan Ray? But he could not provide much clarity. He had, for instance, said that ‘All kinds of views and all study is legitimate’.²⁹² This was pretty clear. However, he did go on to say that the *Al Qaeda Training Manual* was ‘not legitimate research material’. But then, confusingly and as related earlier, he went on to correct himself, telling the *Education Guardian* that:

if you’re an academic or a registered student then you have every good cause to access whatever material your scholarship requires. But there is an expectation that you will act sensibly within current UK law and wouldn’t send it on to any Tom, Dick or Harry.²⁹³

So a student can access ‘terrorist material’ but then not hand it on to anyone else? This was not really what I was looking for.

And Sir Colin Campbell had noted that ‘There is no “prohibition” on accessing terrorist materials for the purpose of research’. So that was clear. But then he had added the rider that, ‘Researchers have no ‘right’ to study terrorist materials’. So now it was not so clear at all.²⁹⁴

Sabir himself, just after he had been released, had asked Professor Simon Tormey (then the head of our School of Politics) if he could use the *Al Qaeda Training Manual* in his research, Professor Tormey wrote back, ‘I have no problem at all in people accessing what ever document they need to consult’.²⁹⁵ So that was crystal. Professor Tormey was following the same line as the Lord Chief Justice – i.e. the correct one. Just after this Professor Tormey left for Australia.

I tried to ask our new Head of School, Professor Heywood, for some guidance on what I was supposed to tell students who were using the *Al Qaeda Training Manual* in their essays. He emailed me to tell me that I should use my ‘common sense’.²⁹⁶ Common sense? This was news. It was an approach that had never really been tried before at Nottingham by anyone associated with the issue of the arrests, and yet now I was supposed to employ it myself? Clearly, though, if I did use my common sense then I would be telling my students that they could use the *Al Qaeda Training Manual* – I was not going to ‘ban’ a library book! But any outbreak of common sense on my part would be running counter to the orthodoxy of university policy. This had declared it to be ‘illegal’. Common sense, therefore, was just never going to work in Nottingham World.

²⁹¹ Email from Professor David Greenaway (future Vice-Chancellor) to Sir Colin Campbell (incumbent) and cc’d to 17 others dated 7 July 2008 at 16.39.

²⁹² Jonathan Ray, University Communications Director quoted in ‘Student was “studying terrorism”’.

²⁹³ Curtis and Hodgson, ‘Student researching al-Qaida tactics held for six days’.

²⁹⁴ Newman, ‘Researchers have no “right” to study terrorist materials’.

²⁹⁵ Email of Professor Simon Tormey to Rizwaan Sabir on July 2008 at 08.52.

²⁹⁶ Email of Professor Heywood to author on 11 May 2009 at 09.58.

I then asked Professor Heywood why I could not be trusted to use my ‘common sense’ to put together my own reading lists? Why did they need ‘controlling’? He did not reply.

The University, of course, had no intention of introducing any ‘advice’, ‘guidance’, ‘protocols’ or ‘protection’. In Nottingham World, of course, nothing had gone wrong - so why did anything need fixing? It was all the fault of the ‘junior lecturers’ in ‘the School of Politics’; and they would be dealt with in due course. So all the talk of ‘committees’ and ‘working parties’ was just that, talk. It was talk to convince an outside world that the University of Nottingham was doing all the right things and putting in place all the right procedures. But there was no substance to it all.

To confirm all this we have the notes from a telephone call that Sir Colin Campbell made to the minister at the BIS, Bill Rammell. In this Sir Colin ‘noted that our research framework and other relevant documentation are appropriate’. So Sir Colin was making it clear to the minister - nothing was going to change. This telephone call was made on 26 June 2008.²⁹⁷ And later, in September 2008, Sir Colin wrote to Bill Rammell to re-affirm that the University of Nottingham was not going to alter anything. Sir Colin had said, ‘We are confident that our research ethics policies are appropriate. It may be that all HEIs [Higher Education Institutions] will review their own ethics policies in light of our experience’²⁹⁸ So everything was fine on the ‘research ethics’ front at the University of Nottingham.

Two issues come out of these statements. The first, of course, is that if there were to be no changes to ‘research ethics policies’, and that if everything was ‘appropriate’, then why were the university community, the media and the public not being told this as well? Why was a whole host of actors being spun a line about ‘committees’ and ‘working parties’ that were never going to change anything – even if they had ever existed in the first place. (There is no actual evidence that they did exist. Neither they, nor any of their supposed members, ever sent any emails - they would have been released under FoI if they did exist). Again, we have here seemingly a lie being told by the university to the world at large, while the truth is told only to the minister.

The second issue here is why is Sir Colin writing to the minister on 8 September 2008 to say that all is fine, while only a few days later (on 18 September), Professor Heywood, having been ‘advised’ to do so by his Office Manager, came to my office to tell me that my reading lists, and mine alone, would need to be ‘controlled’ by an ‘ethics committee’? So Professor Heywood, by taking this action against me, must have been contravening university policy as just established by the Vice-Chancellor. Now how had that happened?

In the end, and because I could not get a straight answer from anyone, and because the university was clearly abnegating its responsibility in regard to providing both myself and my students with the statutory duty of care we were owed, I decided to drop my teaching of Terrorism courses. It was then pointed out to me that I would then be in breach of my contract (‘Terrorism’ was in my job title!) if I carried out this threat. The university would then have an excuse to sack me – and by this time they did not need much excuse! As a compromise, I only stopped teaching Terrorism at undergraduate level.

²⁹⁷ ‘Confidential file note of CMC [Sir Colin Campbell] telecon with [redacted], dated 26 June 2008.

²⁹⁸ Sir Colin Campbell, ‘Report on Recent Arrests at the University of Nottingham’, sent to Bill Rammell, Minister for Further and Higher Education, 9 September 2008.

Making complaints to external bodies

One of the ironies of asking awkward questions about the behaviour of senior management in a university - and of its Registrar in particular - is that when it comes to disciplinary action being taken against me for asking such questions then it is all set up and overseen by the Registrar's office. One then soon discovers that the university's regulations, which are supposed to ensure fair and objective disciplinary procedures, do not mean much. I was not, for instance, permitted to call witnesses in my disciplinary hearings or in the appeals. And when it comes to making any appeals against the initial findings then one also has to go to the Registrar - who then appoints someone from Management Board to hear the appeal! It can be very frustrating trying to make one's case. In the end, I gave up both appealing against the punishments I was being dealt and even going to the initial hearings in the first place. There was just no point.

I have, of course, tried to make complaints externally about what has been going on at Nottingham University. But who does one go to? As I say, I did make efforts. I once wrote to David Lammy (the universities minister who succeeded Bill Rammell) to tell him about one particular aspect of the way in which the University of Nottingham was behaving. I said that the university was not acting in line with the abovementioned UNESCO guidelines on higher education. The BIS wrote back to me to say that, yes, 'Her Majesty's Government recognises the UNESCO recommendations...but universities are autonomous institutions and are free to make their own decisions about what level of direction they give to their employees'.²⁹⁹ I found this to be astonishing. It meant that while the UK government might have signed up to these UNESCO guidelines this did not actually mean that UK universities - which the government actually funds - have to follow them!

I also thought that there was no point in going to the Parliamentary Ombudsman - i.e. the body that claims to oversee the operation of this country's 'public institutions'. Sabir had tried this office but they replied to him to say that she did not have oversight of 'educational institutions'. This was news. If this is the case then why does the website of the Parliamentary Ombudsman advertise the fact that it *does* have oversight over 'public bodies' in this country? And, in the list of those 'public bodies' that it does *not* have responsibility for, there is no mention of 'educational institutions'? So where did this 'educational institutions' exception suddenly appear from?

I did, though, complain to the English universities' funding body, HEFCE. HEFCE states on its website that, 'we have responsibility and lead public accountability for HEIs [Higher Education Institutions]' in England. One of its missions, it says, is to 'act in the interests of fee-paying students'.³⁰⁰ So, given that Sabir was a 'fee-paying' student, perhaps they would investigate what had gone on, and what was going on, at Nottingham? I sent them all the details I produce here. HEFCE, however, would not touch it. Their line was that 'Institutions are independent bodies and we do not interfere unnecessarily in their operations'.³⁰¹ Well then, one might reasonably ask, just what *does* make it 'necessary'?

²⁹⁹ Letter from Lowery to author.

³⁰⁰ HEFCE, 'Model Financial Memorandum between HEFCE and institutions', at http://www.hefce.ac.uk/pubs/hefce/2010/10_19/10.pdf accessed 12 February 2010, p.44, p.42.

³⁰¹ 'Allegations concerning higher education institutions: HEFCE policy and procedures', p.1

HEFCE did, though, tell me that the body which does actually have oversight over the university's actions. This is the University of Nottingham's 'University Council'. And who does this Council consist of? Well, about half its members are also members of the Management Board, including the Vice-Chancellor! And its secretary is the Registrar! *Quis custodiet ipsos custodes?* Moreover, this Council had already officially 'supported the University handling of the [arrests]' incident'.³⁰² If they, too, were part of the problem then they could hardly help become the solution.

Thus it was clear. For UK universities there is no control mechanism to limit managerial malfeasance. There is no oversight; no Ofcom, no Ofwat, no Ofgem, nothing. They are, as I say, laws unto themselves.

The government ministries

As related, the incorrect labelling of the 'Nottingham Two' as, in essence, being involved in 'terrorist related' activity covers the complete rank spectrum: from the most junior of academics all the way up to government ministers. They all have something to answer for in being party to a malign orthodoxy and in making their 'pre-judgements'.

It is worthwhile now examining just how it did come to pass that even the ministries – the BIS and Home Office – both came to adopt the same perverse logic as that prevalent in the University of Nottingham. In the case of the BIS we know that the minister, Bill Rammell, was given statements by Sir Colin Campbell that were *not*, to use the latter's phrase, 'factually accurate'. Sir Colin had, among other *faux pas*, called the offending document 'an' Al Qaeda training manual, and not 'the' *Al Qaeda Training Manual*. This changed *everything*. The alteration of this one small word took the possession of a benign library book and turned it into the possession, to use Mr Rammell's words, of 'extremist literature'. And this was crucial, because the only evidence against Sabir and Yezza was this one document. And if Sir Colin had, as it must be presumed he did, sent the same information to the Home Office, then might not the Home Secretary, Jacqui Smith, also be referring to this one document as 'extremist literature'?³⁰³ And then might this be why the American Heritage Foundation comes to write a report that labels what went on at Nottingham as a 'major Islamist Plot'; a report which somehow comes to be disseminated by the Home Office? Just *what* was the Home Office thinking?

It is also clear that both the BIS and the Home Office were being misinformed by an unknown agency. This is clear from documents released to Sabir (after much procrastination) by both the BIS and the Home Office. (Much has been revealed in these documents but, government departments being government departments, certainly not quite everything.) The Home Office actually apologised to Sabir for what it called the 'wholly unacceptable' delay in responding to his FoI request. Any public body has 20 working days to respond to any FoI request, but the Home Office here took the best part of five months to respond!³⁰⁴

³⁰² 'Security Report', p.14.

³⁰³ Drs Daly and Matthews in their open letter to *THE*, 2 June 2008, record that the Vice-Chancellor did write to the Home Secretary.

³⁰⁴ Sabir made his request on 3 September 2010 and received his information on 28 January 2011. Letter to Sabir from J Fanshaw, Home Office, 28 January 2011.

Reports and/or briefings were being presented by this agency to staff in both the BIS and the Home Office.³⁰⁵ One may surmise that both Bill Rammell and Jacqui Smith were either present at these briefings, were privy to their messages, or read the reports linked to them.

In one very short and redacted report (presented to the BIS) it is stated, for instance, by this agency that, in relation to the *Al Qaeda Training Manual*:

It is not true that the document is available in the same format as it was found here [sic] on an FBI website in the US. There are extracts from the manual on an FBI site but only the “bland” elements and it is not available in its entirety’.³⁰⁶

This was yet more news. Whoever said that this case involved the copy of the *Al Qaeda Training Manual* from the FBI website? I had never come across this. So why was the BIS (Home Office?) being told about an issue that had nothing to do with the case?³⁰⁷ I actually cannot work out this first sentence, and I am not sure what it is supposed to mean. Is it really saying that this document is not *publicly* ‘available in the same format’ as that on the US DoJ (and not FBI) website? And what is the word ‘format’ supposed to mean? And then the second sentence; this too is strange. Yes, the FBI website version of the *Al Qaeda Training Manual* is ‘bland’. In fact, it is the most reduced variant available anywhere on any US government website.

What these two sentences are trying to do, of course, is to make out that the ‘document’ downloaded by Sabir was *dangerous*. The implication from this statement is that Sabir had used something that was not officially sanctioned by the US government and that he had used some other, ‘jihadist’ and therefore ‘naughty’, version of the same document. Again, though, this agency does not mention the fact that the fullest version of this document, and therefore the ‘naughtiest’ and least ‘bland’ of all, is that available from the University of Nottingham’s own library. I wonder why they did not tell the BIS (and the Home Office) this? Once more the spin is there: the malevolent impression is being generated that innocent men are guilty. And, of course, the ministers and the civil servants being presented with these ‘facts’ would just accept them. Why would they not?

This brief goes on to say that Rizwaan Sabir was ‘arrested for trying to interfere with the process of the police removing the computer’.³⁰⁸ This was likewise news. What computer?

I just need to take a moment here to get this straight in my head. According to Nottinghamshire Constabulary, and as repeated in the university’s Security Report, Sabir had been arrested in the toilet. So Sabir must have gone to the toilet, met some policemen in there who had taken Yezza’s desktop computer in with them (as you do), and then these policemen arrested Sabir as he tried to stop them leaving the gents’ with this computer. Ah yes, it’s all making perfect sense now.

And just how had this version come to pass? This was a version of the arrest of Sabir that was so inaccurate it had become comical. But how is it that by the time ‘the facts’

³⁰⁵ The vernacular used in the report indicates that it is a security agency of some description.

³⁰⁶ Unattributed BIS lecture slide notes, undated.

³⁰⁷ ‘Nottingham University. Background’. Document released by Home Office, undated, p.11

³⁰⁸ Unattributed note given to BIS entitled ‘Nottingham University’, undated.

have reached the very top - the ministries - they are no longer grounded in (have lost all contact with?) reality. Nottingham World, it seemed, was not alone in the universe of the absurd.

At the BIS (and probably at the Home Office as well) a powerpoint presentation was also made – presumably to the minister(s). It is not entirely clear who made this presentation, but it was definitely a government counter-terrorism agency of some sort. It cannot have been any University of Nottingham staff. On Slide 3 of this presentation it is stated that:

It is important to note that the Training Manual found WAS NOT the version you can purchase on “Amazon”.³⁰⁹

The first point to note here is that the title used is ‘the Training Manual’. By now it is not just a question of the article being changed, we also now have the input of minimalism as well. It has become an outright ‘training manual’. The impression again being given is that the document is ‘a manual for use by terrorists’. It is not being portrayed as the library book called the *Al Qaeda Training Manual* for use by students. The second point is that nowhere in this presentation is the origin of the *Al Qaeda Training Manual* mentioned: i.e. that it came from the US DoJ website, and that it had been put there by the US DoJ so that the public could access it. So the minister (and the Home Secretary?) was (were) not being told the source of the document; they were not being given any context – and context here is crucial.

And then there is the capitalisation used in the quotation above (as in the original). No evidence, of course, is presented as to why it ‘WAS NOT the version you can purchase on “Amazon”’. But again, this is wrong. It is a gross fabrication. Government ministers should not be given such untrue statements by those whose job it is to keep them informed. But how can this particular conclusion be reached? Where is the evidence?

It seems I have to take another moment so that I can make myself perfectly clear; and clear enough so that even people who work for UK ‘security’ agencies can understand. Such people can obviously only be told using the simplest of terms. So here we go: this, quote, ‘Training Manual’ WAS, word for word, exactly the same as that available at that time from Amazon. It WAS the version you can purchase on Amazon. So the BIS (and the Home Office?) was (were) - quite simply - being told yet more lies by whoever was making this presentation. Innocent men were here being painted as guilty to government ministers. This, in anyone’s terms, is simply not acceptable.

But who was this agency that was conducting this presentation? I may sound like a stuck record here, but why did *they* also not carry out the simplest of basic checks for themselves? Why does simply *no-one* look at this document and the various versions? Why does no-one buy it from Amazon? Is this really, again, too much to ask? One wonders just what has to happen in the United Kingdom of today before someone stands up and says, ‘just where is the proof for what you are saying here?’ And again, we are back to Canon Fraser’s ‘pre-judgement’ idea: no-one thinks to check because, of course, there is no need to check. We are not dealing here with a student who is ‘Swedish and blonde’. If we were then the checks *would* have taken place. No, we are dealing here with two young Muslim men – so why bother with any checks?

³⁰⁹ Unattributed BIS lecture slide notes, undated.

Also in this ‘security’ agency presentation we have ‘Notes from Slide 7’. This talks of the ‘comms problems’ the university had to deal with:

But the real comms problem was distortion of events by individual academics (plus UCU) and how the “threat to academic freedom” took off among wider academic community as chain emails; blogs.³¹⁰

So the actual telling of the truth by ‘individual academics’ had become, by some tortured logic, a ‘distortion of events’ by them - and ‘the UCU’! I would like to point out to whichever government/security agency was making this presentation that neither I nor my friends at Nottingham ever engaged in ‘distorting events’. And I resent any insinuation by any government/security agency that I/we did. The ‘distorting’ came from elsewhere; including from, of course, whoever was making this presentation.

Again, blame is being passed downwards to these ‘individuals’. The ‘big battalions’: the organisations, the institutions, and, let’s face it, ‘the establishment’, are, of course, entirely blameless. It is the little guys at the bottom – myself and others of a like mind; those actually purveying the truth – who have become the patsies.

And then we come in these slides to what is called the ‘real policy problem’. This was broached in a question:

Did university sector have sufficiently robust and widely understood ethical and governance framework in place for research and teaching relating to violent extremism and terrorism?³¹¹

Was this actually the ‘real policy problem’? No, of course it was not. The ‘real policy problem’ was the pre-judging. And this was a problem compounded by the fact that the hierarchies of a university, government departments and security agencies were *themselves* not acting within a ‘widely understood ethical and governance framework’. They seemed themselves to have no ethical touchstones

And whoever was giving this presentation was showing a certain desperation in their desire for the ‘university sector’ to develop ‘considerations [for the] handling of sensitive materials relating to extremism into their ethical requirements and guidance’. They wanted this, they said, ‘pretty quickly’ and even announced: ‘we’ve offered to pay’!³¹² This seems remarkable, because all the ‘guidance’ that anyone could have ever have wanted with this issue had already been given by the Lord Chief Justice. Anyone, he said, can look at or possess any literature associated with terrorism.

And again, the ‘sensitive materials’ issue (a.k.a. the ‘library book’ issue) was not the problem here. The problem was the knee-jerk reaction to it by a host of senior actors who were gripped by this malign groupthink. This, it seems, left these individuals totally impervious to any acts of self-reflection.

There are many slides in this presentation and some of them contain a huge amount of information. Basically the audiences at the BIS and at the Home Office were being told how good the response to the whole ‘Nottingham Two’ issue had been by a number of

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

parties. They all patted each other on the back. But the one word missing from all the verbiage presented is the vital word ‘check’. Neither is the word ‘confirm’ present. There is, in these slides, a quite unbelievable acceptance of the facts as the presenters believe - indeed, want - them to be. When I did my two months’ intelligence training as a soldier prior to deployment to West Belfast in 1985 it was drummed into us in theoretical and practical exercises how much we should not trust our eyes or our senses – because they could play tricks. We had to rid ourselves of preconceptions; we had to open our minds. We had to avoid all the traps into which intelligence agencies can fall: the mirror-imaging; the temptation to run with uncorroborated evidence; the temptation to avoid the leg-work of bringing context into analysis, etc, etc. Well, if I as a mere corporal in a bog-standard British Army infantry regiment was trained to open my mind, to throw out preconceptions and to avoid the intelligence bear-traps then what on earth has gone wrong with today’s government anti-terrorist agencies? The unprofessionalism on display in these presentations/briefings in relation to the case of the ‘Nottingham Two’ is very disturbing.

And having patted each other on the back, and having both established and reinforced the orthodoxy, we now come to realise just how we ended up with Mr Rammell coming to talk about ‘extremist materials on campus’.³¹³ What he meant to say - and hold-the-front-page here - was that there was ‘a library book on campus’.

Another natural follow-on from such reports, briefings, presentations, letters and phone calls is that we have Mr Rammell’s department preparing its own briefing notes for their minister. These are entitled, ‘Lines to take [to the media] on recent Nottingham arrests’. One ‘line’ he was supposed to take under questioning was this: ‘I know some people say the University’s actions were an attack on academic freedom – I don’t agree’ Sorry to be repetitive, but a pedant might say that a university declaring a book from its own library to be ‘illegal’ could just be seen in some quarters as being a soupçon close to contravening ‘academic freedom’.³¹⁴ And it was also clearly an attack on freedom *per se* – we have the Lord Chief Justice’s word for that. So just what advice did the minister take – and from whom – in order for him to vouchsafe that he ‘did not agree’ that this was ‘an attack on academic freedom’?

Then we come back to the Home Office advertising the fact that the mere act of possessing this library book by Sabir and Yezza came to constitute - this time in Home Office World - a ‘major Islamist plot’. But even then, how is it that the possession of just *one* document, on its own and with absolutely no other supporting evidence, context, background or corroboration comes to form a ‘major Islamist plot’? What was the Home Office thinking?

This is serious. One of the problems here seems to be that, because Sabir and Yezza were being defended and because there appeared to be doubts as to the reason for their arrests, then each layer of the ‘system’ - or the ‘establishment’ - felt it had to add its own little (and sometimes pretty big) embellishment in order to (over)egg the pudding. The truth was not ‘true’ enough: it needed some help. In classical groupthink behaviour, the orthodoxy coming up from the University of Nottingham was supported and reinforced by each layer of the ‘system’ that seemed only too happy to buy into this same orthodoxy. And, in the end, we truly do end up in Orwellian territory:

³¹³ BIS document, ‘Lines to take [to the media] on recent Nottingham arrests’, undated.

³¹⁴ Ibid.

And if all others accepted the lie which the Party imposed – if all records told the same tale – then the lie passed into history and became truth.³¹⁵

The really frightening aspect of this whole process, though, is that it constitutes justice by the back door. Sabir and Yezza were not convicted in any court of law; but that does not seem to matter. The ‘establishment’ has judged them guilty anyway.

And, naturally enough, once the Orwellian ‘lie’ has become ‘truth’ at the level of the Home Office then reverse-engineering kicks in. The Home Office now passes down the command chain its ‘truth’ that Sabir needs to be, shall we say, ‘monitored’. The likes of Nottinghamshire Constabulary and Special Branch at East Midlands Airport are told all about Sabir and his part in the ‘major Islamist plot’. So he comes to be stopped and harassed by police officers. They are not to blame; who are they to question the orthodoxy from on high?

And Bill Rammell also had an opinion which seems to be remarkable. He expressed the view that ‘Nottingham University staff acted responsibly’?³¹⁶ I need to straighten this one out in my mind as well. So the university’s ignoring of the law; its ignoring of the BIS guidelines that Mr Rammell’s own department produced; its ignoring of UNESCO, and ESRC guidelines; its ignoring of the European Convention on Human Rights; its ignoring of its own guidelines; its jumping to conclusions; its lack of a risk assessment; its failure to carry out any checks; the untruths its senior management engaged in; its misrepresentation of both the CPS and the police; its Vice-Chancellor telling lies; its spying on students; its interception and storage of sensitive emails to Special Branch; its treatment of Sabir and Yezza as ‘suspects’; its refusal to accept responsibility for its mistakes; its invention of staff who supposedly talked to the police; its invention of the nature of the *Al Qaeda Training Manual*; its making of shameful links to ‘child pornography’; its passing of blame down the rank spectrum; its punishing of those who stood up for Sabir; its help in publishing a defamatory booklet; its allowing of defamatory language to be used by its staff; its preparing of a list of Muslim ‘Events’ on campus; its investigatory reports that were a whitewash; its unfair treatment of Sabir as he continued with its studies; its ‘delight’ at his leaving for Strathclyde; its limitations on academic freedom; its gross failure to discharge any semblance of a duty of care to its students or its staff, and its headlong rush to engage in a malign groupthink - these are all somehow to be interpreted by Mr Rammell as the University of Nottingham acting ‘responsibly’? Well, thank goodness the university did not behave *irresponsibly*!

The results

So, just how did we get from Point A to Point B? Point A was where a student, in furtherance of his own research, downloaded a document from a publicly available US government website – a website designed to provide the public with information. This student could have obtained a more complete version of this document from his own university library. Point B is where this act, *on its own and without a single scintilla of supporting evidence or confirmatory context*, comes to form the basis of the supposition

³¹⁵ Orwell, 1984, p.37.

³¹⁶ BIS document, ‘Lines to take on recent Nottingham arrests’, undated.

that he was involved, according to a document distributed by the Home Office, in a 'major Islamist plot'. How had this happened?

It all begins, of course, with the FBI changing the name of a document so that it becomes the *Al Qaeda Training Manual*. They had sexed it up. Lots of people fell for the consequences of that one. Following that we have two senior staff in the university - the Registrar, Dr Paul Greatrix, and Professor Bernard McGuirk - making judgements that they should not have made. The former said that the two journal articles and a book had 'no valid reason to exist whatsoever', while the latter said the *Al Qaeda Training Manual* was an 'illegal' document. But why did they not check? Why did the university not follow BIS guidelines on this issue? Why, and at the very least, was Yezza not asked what this material was and why was it there on his computer?

The word of both Greatrix and McGuirk was accepted by the police. These two are, after all, what the police called 'senior figures' at the university, and they would be looked upon by the police as 'expert witnesses'. The police trusted them.

The Vice-Chancellor, Sir Colin Campbell, then comes to add his own little name change to the document. He calls it 'an Al Qaeda training manual' in letters to both the *THE* and to Bill Rammell (and to Jacqui Smith?). Sir Colin had also sexed it up. The document has thus moved yet further into the realms of 'extremist literature'.

And then we have senior management at the university becoming complicit with their desire to absolve the university of any blame and to pass it on to others. Management Board put out a portal statement on 27 May 2008 which stated that, and after a 'risk assessment', 'The Vice-Chancellor, Registrar and senior management of the University decided the police were the only appropriate investigating authority'.³¹⁷ But they all must have known that no such 'risk assessment' had ever taken place and that no such 'collective decision' had been made. And, after digging themselves into this initial hole, Management Board just had to keep on digging. They had to cover for the first lie, and then the next and so on. Their guidance came from an orthodoxy that seemed to assume that, since these two were young Muslim men and not 'Swedish and blonde' then they must be somehow 'suspects'. The groupthink coalesced around this orthodoxy and alternatives were dismissed. And, when challenged, senior management developed the unimpeachable conviction, characteristic of groupthink, that 'we are right and they are wrong'.

The current Vice-Chancellor, Professor David Greenaway, sees no problem in the way that his university reacted both at the time of the arrests and subsequently. He was asked by Rizwaan Sabir's MP, Vernon Coaker, whether he was satisfied with the university's behaviour. He wrote back to him in March 2011 to say: 'I am, of course, happy to confirm that I believe that the university dealt with the situation...properly and correctly'.³¹⁸ But then again, if Professor Greenaway *did* have concerns then these would have pointed a finger of blame at himself as well; not least because he was on Management Board throughout the whole case of the 'Nottingham Two'.

But this is how terrorism is generated. Terrorism emerges from the feeling of an injustice being perpetrated by the strong against the weak; a weak who feel they have no means – bar violence – to get their message across. It is such feelings of grievance and weakness that drove individuals – from the likes of Nelson Mandela to Osama bin Laden

³¹⁷ University of Nottingham portal message, 27 May 2008.

³¹⁸ Letter of Vice-Chancellor David Greenaway to Vernon Coaker, MP, 28 March 2011.

– to become terrorists. And, with this in mind, it is natural that one of the abiding principles of counter-terrorism is that of preventing these feelings of injustice from occurring in the first place. I was once taught how to conduct counter-terrorism in a practical sense. And I was taught that the best way for a British soldier to conduct counter-terrorism was to begin with the basic principle of ‘do no harm’; not to make the situation any worse than it already was. We, as soldiers, had to act fairly and in a non-partisan way so that the forces of law and order came across in Northern Ireland as neutral, and as serving all members of the community - no matter from which side of the sectarian divide they hailed. If we did not, we were told, we would just be creating a sense of injustice that would fuel yet more terrorism.

Patently, an injustice was perpetrated at the University of Nottingham; the type of injustice that can only serve as an agent of ‘radicalisation’. It would actually be no surprise if the likes of Sabir and Yezza, or their friends, or members of their families came to be drawn towards radical activism – or even terrorism – by this institution’s behaviour. Universities are supposed to act against radicalising agents on their campuses; they are not, themselves, supposed to *be* the radicalising agents.

Sabir and Yezza were totally innocent. Sabir was just doing his research, nothing else. Yezza was just helping his friend a little. And anyone who wants to know the fear and desperation experienced by an innocent man incarcerated for six days as a ‘terrorist’ suspect should listen to Sabir talk about it for an hour without so much as drawing a breath. I defy anyone to listen to him on this subject and not to have their bottom lip start to tremble just a little; and I defy anyone to control that same lip when he talks of what his family went through during those six days. And he and his family went through all that they did because the hierarchy of the University of Nottingham failed to carry out even the most perfunctory of acts that could, in any way, be considered to constitute a duty of care. Moreover, while Sabir lay crying alone in his cell did but one of these members of the university’s hierarchy with their 100K-plus salaries think of making even the most basic of supportive contacts with him? No, they abandoned him totally. But they did, of course, have Rizwaan Sabir in their thoughts: they prepared a letter of exclusion for him the day after his arrest! And there we have it in a nutshell. There we have Canon Fraser’s ‘pre-judgement’ made flesh.

It does seem to be the case, in the United Kingdom of today and with its fear of terrorism, that young Muslim men risk being treated unfairly. This was probably obvious. But what happened with the case of the ‘Nottingham Two’ reveals that they can be treated unfairly in areas, and in a stratum of society, where it should surely be least expected. And we are not just talking here about unfairness being displayed in sins of omission; we are also talking about unfairness being displayed in sins of commission as well. This, for any right-thinking individual, should be regarded as unacceptable.

APPENDIX

The marking of Sabir’s MA dissertation

I describe here just one aspect of the treatment that Sabir was subject to in the University of Nottingham's School of Politics. This concerns the issues surrounding the marking of his MA dissertation.

Now, all of the detail presented here might come across as excruciating departmental minutiae; but the devil is in the detail. It is by presenting such detail that a more definitive picture of the whole situation can be created; a picture which shows that the same insidious groupthink pervaded the whole rank structure - from the humblest lecturer all the way up to the Vice-Chancellor himself. It is clear that Rizwaan Sabir was, after his release from custody, not wanted in the university. We know this, of course, from the exclusion letter that was prepared for him as soon as he had been arrested. The university, despite being thwarted on that occasion, appeared to be nothing if not persistent. Other methods were then employed - it would seem - to speed Sabir's exit.

I name names here. Again, there are those who might say that this is unethical. But, as previously related, all the evidence I present here has been given previously to internal authorities within the University of Nottingham. Such authorities had a chance to deal with everything in-house and below the radar. But, and to my mind extraordinarily, the evidence I presented was dismissed. This evidence was then to be turned against me to become 'proof' of my own acts of 'defamation' against my seniors. And it then, of course, led to disciplinary action against me.

I have also presented all of this evidence to the external body that claims it has oversight of universities in this country - HEFCE. They replied to me, however, to say they could not 'interfere' in the way a university was run. And all of this evidence was also presented by Sabir to the Parliamentary Ombudsman who refused to consider it. Going to the BIS, as I discovered a long time ago, was a waste of time. Their mantra was that universities 'are autonomous institutions and are free to make their own decisions'.³¹⁹ So, in a nutshell and as I say, there is no oversight of UK universities. They appear to be able to take public money and do what they like.

So I *have* tried up to now to protect the names of all the people I mention below. I *have* made every effort over more than two years to keep their names secret. So now I am only left with the court of public opinion to judge them. And, it should be remembered, my prime aim here is not to present evidence that points fingers at departmental colleagues, rather my aim is to show how unfairly *my* student, Rizwaan Sabir, was treated by staff in the School of Politics at the University of Nottingham. If such evidence is not presented then Sabir will always carry a stigma that he is some sort of 'terrorist'. My aim - indeed, my actual *job* - is to see him cleared of all blame and to show that he has not done anything wrong. He needs to be able to lead a normal life and not to be forever tarred with being a 'terrorist'. And, moreover, if such evidence is not presented then it will be assumed that all is sweetness and light within the UK university system; and that students of a certain ethnic background are treated exactly the same as their white brethren. Unfortunately, however, they are not.

Sabir had been arrested in May 2008. He completed his 15,000-word dissertation in January 2009 after being granted an extension. He needed such an extension given all the issues he had had to face after his release from custody. Such an extension was in no way unusual, and many MA students received such extensions for a variety of reasons. I was

³¹⁹ Letter from Joe Lowery, Public Communications Unit, BIS, to author dated 10 December 2009.

appointed as the second supervisor for this dissertation (under protest³²⁰), while another academic in the School took a more hands-on supervisory role. I did, though, mark the dissertation. I thought it was comprehensive and, principally because of its originality, I gave it a mark of 73 per cent. (Above 70 is a 'distinction' mark.) Such a mark was not out of keeping with Sabir's capabilities. He had received an essay mark of 75 per cent in the School before his arrest (and also one of 74 per cent during the final year of his undergraduate degree). And this earlier essay mark of 75 per cent (given by a Dr Christopher Hill) needs to be put into some sort of context. He was given it for 'Theories and Concepts in International Relations'.³²¹ This was a core MA course and, as such, had well over 50 master's students taking it. Sabir's mark was the *second highest* on this course. He had thus shown himself to be among the *crème de la crème* of master's students in a Russell Group university. Sabir, educated at a comprehensive school down the road in Nottingham, was no mere Uncle-Tom make-weight. He was good.

As usual with any MA dissertation, there was another marker. This second marker was a lecturer new to the School, Dr Malika Rahal. She was chosen by the School's Dissertation Convenor to be the second marker because, being new, she would not know Sabir and would not be influenced in her marking by his 'past'. This was done to ensure fairness. She actually gave it a mark of 75 per cent. After a discussion, I agreed to go along with her mark.

Since this dissertation had a mark of above 70 per cent (i.e. a 'distinction'), it had to be sent to an external marker to check whether the grade was in keeping with our other 'distinction' marks. On handing over my copy of the dissertation to an office administrator, I was informed by her that the Exams Officer wanted to read it before it went to this external. I thought this most peculiar, if not downright suspicious. If the Exams Officer, read every 15,000-word MA dissertation written in the School (some years totalling well over 100) then she would get absolutely no other work done. She was also known to be a confidante of the Head of School, Professor Heywood. This was my first inkling that Sabir was being 'spied' on actually within the School of Politics. My suspicions increased when I later learnt that the Exams Officer also wanted, as email evidence shows, to read the copy of the dissertation that the *second marker*, Dr Rahal, had examined. An office administrator had emailed the Exams Officer to say: 'I've also got the 2nd copy for you to read over'.³²² The only reason that the Exams Officer would want to see *both* versions of this dissertation would be to 'check' what each marker was saying about it on the comments' sheets or in the margins. Now things were getting even murkier. Why were these checks being made?

The dissertation was duly sent to the external marker. He was from Nottingham Trent University. This went against the university's regulations in terms of choosing externals. The University of Nottingham's Quality Manual states that external markers should be from an 'equivalent ranked university'. Trent is actually a 'post-1992 university', having

³²⁰ I had initially refused to supervise Sabir as I felt that if anything went 'wrong' I would get – yet further – blame.

³²¹ Transcript of Sabir's marks in School of Politics.

³²² Email of an administrator to Dr Pauline Eadie 15 December 2008 at 12.28. She asks Dr Eadie, 'Which external examiner would be best to send Rizwaan's dissertation to? I've also got the 2nd copy for you to read over'.

formerly been Trent Polytechnic. It is not an 'equivalent ranked university'.³²³ I have no problem at all with this, but the fact remains that it was not in line with university regulations.

The task of marking Sabir's dissertation was the first task that this external ever carried out for the School of Politics (and it was also, as far as I am aware, the last). But he was not, as per standard operating procedures and as per regulations, sent a sample of other - already marked - dissertations along with the one he was to examine. This is normally done with newly appointed externals. Sending such a sample of marked work to an external would give them an indication of the marking 'style' of any individual department. As the university's Quality Manual states, 'External Examiners should have adequate access to samples of students' work'.³²⁴ This external had none. All he had was Sabir's dissertation. So it would be difficult for him to do his job as an external and to judge whether Sabir's 'distinction' was in keeping with the School's other 'distinctions' if he had none to compare it with. Correct procedures were thus not being followed.

I had raised this issue at one of my disciplinaries. I was pressing Professor Heywood as to why Sabir's dissertation had been sent on its own, without a sample of marked work, to this external. The 'judge' in hearing, Professor Sarah O'Hara, interjected to say that this was actually 'a good thing': it would provide 'a fresh set of eyes', she said. So Professor Heywood was off the hook on that one. But it still left university regulations contravened – and this in a very sensitive case.

This external gave the dissertation a mark of 62 per cent. He had brought the mark down from 75 per cent despite the fact that our university regulations state that a mark that has been agreed upon between two internals (which it had in this case) should not be changed by externals. The Quality Manual notes that 'External Examiners...[should] be influential in cases of disagreement over marking and classification [and it is then that] the External Examiner's views carry particular weight'.³²⁵ Thus when there *is* agreement between the two internals, the external's view should have *no* weight.

This external should have been made aware of this convention. The University of Nottingham's Quality Manual makes clear that it is the 'Head of School's responsibility...to ensure that the External Examiner will be briefed on their role and the extent of their authority [...] Special attention will be given to External Examiners with no previous experience in the role'.³²⁶ This external had exceeded his authority.

I was able to view this external marker's comments at the time. He produced some very comprehensive feedback running to almost two pages of A4. This, in itself, was unusual. Normally, an external would only provide about two or three lines about any individual piece of work. He writes, addressing the Exams Officer and with his lower mark in mind:

I hesitate to suggest what you should do since your internals are in firm agreement. I am more than happy to enter into a dialogue on this – or any

³²³ University of Nottingham, *Code of Practice for External Examiners (Undergraduate and Taught Postgraduate Programmes)*, 'Duties of the External Examiner' and 'Powers of the External Examiner'.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ University of Nottingham, Quality Manual, 7.1 'Briefing the new External Examiner', p.3.

other question that comes up. I'm sorry that my first piece of work for you involves such a sharp disagreement.³²⁷

This external's main problem with the dissertation was the lack of a methodology section: 'Much the most serious of my objections [is that] I cannot find the words 'method' or 'methodology' anywhere in the dissertation at all...it is not just that there is no M & M [method and methodology] chapter...the words do not appear at all'.³²⁸

But Sabir (and here is where we need to become involved in *real* minutiae) had *not* been asked, in the marking criteria that he was working with, to provide the words 'method' or 'methodology', let alone a distinct 'methodology section'. All he needed to do in his dissertation, as detailed by the marking criteria he used in the 'School of Politics Postgraduate Handbook' - and which Dr Rahal also used - was to describe his 'methodology/general approach' in presenting the work. Thus he had a choice between describing *either* the 'methodology' he would use in the work *or* the 'general approach' he would adopt in answering the question he had set himself. This is confirmed in an email that Sabir's principal supervisor (who did not mark the dissertation) sent to him during the preparation phase, and which I was cc'd into. She had told him to ask himself, as per standard dissertation-marking criteria, the question: 'What is your approach *or* methodology?' (Stress added.) Students, she was making clear, have a choice.³²⁹ Sabir merely went down the 'general approach' route in his dissertation. He had thus been told what to do by his supervisor and he did it - and yet the fact that he did do it led to him having his mark brought down by this external!

In fact, when I saw the external's comments I went back and scoured the set of marking criteria that I had used when I had marked the dissertation. I had employed the School of Politics' 'Essay and Dissertation Style Guide and Marking Criteria'. And nowhere, in this entire document, do the words 'method' or 'methodology' appear at all. They are completely absent.³³⁰

But this external, to be fair, seemed well aware of the apparent tension. In his comments he says, 'I cannot reconcile the dissertation marking guidelines you have [provided me with]...with the conclusions the internal examiners both reach on the thesis'. He goes on to express even more doubts on the marking criteria:

I am very happy for someone to point out how or why I am missing the point. Do the students have clear learning outcomes for the dissertation separate from the marking criteria? If I am mistaken I would be grateful if I could be put right. It is - I think - my job to match the thesis to the marking criteria rather than to import my own, and that is what I have tried to do here.³³¹

He was right to have his doubts, of course. The internals and the external *were* working to two different sets of marking criteria. And, even more crucially, this external had been

³²⁷ Report of first external examiner, January 2009.

³²⁸ Ibid.

³²⁹ Email released under FoI of [name redacted] to Sabir and cc'd to author on 27 October 2008 at 14.08.

³³⁰ School of Politics, 'Essay and Dissertation Style Guide and Marking Criteria'.

³³¹ Report of first external examiner.

given a set of marking criteria that had a fundamental *mistake* in them (which has since been corrected). He had been provided with marking criteria that said that it was *essential* to have a methodological component when, in fact, this was not the case at all: there is always a choice.

It must be reiterated here: this issue over the ‘methodology’ was this external marker’s ‘most serious objection’, and the principal reason that he had brought the mark down so much. But Sabir did not need to even mention the word ‘methodology’. And, anyway, an external still should not be bringing down the mark of one single student when the internals have agreed on the mark.

As the guidelines of one of the relevant UK agencies – the Quality Assurance Agency for Higher Education – state: ‘An important principle is that students and markers are aware of and understand the assessment criteria and/or schemes that will be used to mark each assessment task’.³³² And as the overarching European guidelines (ENQA) also state, ‘Students should be assessed using published criteria...which are applied consistently’.³³³ Clearly, the issue of different marking criteria and, indeed, the wrong marking criteria, was causing a problem in this case. Sabir, it was clear on several levels, was not being treated fairly.

This external makes the point that he was ‘more than happy to enter into a dialogue on this’. And he further asks, ‘If I am mistaken I would be grateful if I could be put right’.³³⁴ The university’s regulations allow for and encourage such interactions: ‘External Examiners should have adequate opportunity to hold informal meetings with internal examiners’.³³⁵ And, of course, once I had seen his comments then I too wanted to meet with him. I (at this point) could not understand his stress on the methodological component. So I asked the Exams Officer if she could arrange a talk and lodge some sort of appeal. I was, however, told that this was not possible. This was because the dissertation had also been sent to a *second* external. The fact that it *had* been sent to this second external, she said, and because this second external had agreed with the first external’s mark of 62, meant that there could be no more discussion and, crucially, no appeal.

I was not happy.

The second external’s problems with the dissertation were the same as those of the first: ‘I concur’ he says, ‘with most of his [the first external’s] comments, in particular that it lacks methodological considerations’.³³⁶ Of course, this second external had been sent the same, incorrect, set of marking criteria as the first. So they had *both* brought down the mark for the same principal reason and they were both wrong to do so – being in contravention of the University of Nottingham’s regulations about altering marks that internals agree on.³³⁷ And yet I could not appeal on Sabir’s behalf!

I only discovered the reason why exactly this situation had come about during one of my disciplinary hearings. Only then did I become aware that (at least) three sets of

³³² Quality Assurance Agency for Higher Education, ‘Code of practice for the assurance of academic quality and standards in higher education. Marking and Grading’, para 7, p.16.

³³³ ENQA, ‘Part 1: European standards and guidelines for international quality assurance within higher education institutions. Guidelines 1.3 Assessment of Standards’.

³³⁴ Report of first external examiner.

³³⁵ University of Nottingham, *Code of Practice for External Examiners*.

³³⁶ From [redacted – but is second external marker] to Exams Officer on 21 January 2009 at 09.54.

³³⁷ The externals had been sent copies of something called ‘MA Dissertation Handbook, 2007-2008’.

marking criteria for MA dissertations existed in the School. When I had checked them all I could see what the exact problem had been, and crucially the mistake that was apparent on the set used by both externals.

But even without this situation with the marking criteria there was still a bad smell about the whole process. There is no mention anywhere in the university's regulations about any pieces of work being sent to *two* externals. I am not saying it does not happen, but I have never heard of it happening. The point here is that, with Rizwaan Sabir, the School of Politics should have been very, very careful to follow tried and trusted procedures and not to allow for doubt to creep into the process. The fact that this dissertation was sent to two externals (thereby making any appeal impossible); that procedures were not followed, and that guidelines and protocols were not observed, created considerable doubt that a clear, transparent and above-board procedure had been conducted.

Sensing that there would be a degree of concern raised, the Exams Officer called a meeting with those involved in the marking process within the School. In this meeting I challenged the Exams Officer as to why she had read the dissertation before it was sent off to the first external. She denied having read it. I pressed her. She replied, 'Why, what do you know, Rod?' She then, in front of witnesses, admitted - in an emotional scene - to having read it. So what did the Exams Officer have to hide? Why lie? I did not have the heart to press her further, however, because I thought at the time that she could only have been following the instructions of someone higher. (This view was, however, contradicted, by Professor Heywood. When I challenged him in a disciplinary hearing that he must have ordered the Exams Officer to read both dissertations he denied it, saying: 'I deny [it] absolutely'.³³⁸)

I was even more unhappy now. It appeared to me that Sabir was being treated disgracefully, and that the School of Politics had become engaged in a bid to make sure he could not progress from the MA to the PhD. For if his MA marks averaged out at below 60 per cent then he could forget the PhD. I then made my views - vis-à-vis this whole marking shambles - known to the whole School. I called it 'farcical' in an all-School email.

Such comments led to my first disciplinary hearing. I was accused of defaming Professor Paul Heywood, the Head of the School of Politics. The hearing was to be held with the Dean of the School of Social Sciences, Professor Sarah O'Hara, presiding in judgement. Just prior to this hearing (and on a Sunday), Professor Heywood had emailed her to say that my behaviour, quote, 'just *has* [sic] to be stopped, and urgently'.³³⁹ The previous day Professor Heywood had sent a long email to Professor O'Hara discussing me. This email is entirely in reference to my upcoming hearing. It thus constituted my personal data; yet over a third of it has been redacted. This contravenes FoI legislation.³⁴⁰

There are those who might say that the chief witness for the prosecution emailing the 'judge' prior to a hearing to tell her that the defendant 'just has to be stopped' could just be verging on the unethical.

³³⁸ Transcript of disciplinary hearing 6 November 2009.

³³⁹ Email of Professor Heywood to Professor Sarah O'Hara on 19 October at 11.40. This was a Sunday morning! Later in this same day this message is forwarded to Professor Chris Rudd (Pro Vice Chancellor for Teaching and Learning) and the head of Human Resources, Jaspal Kaur.

³⁴⁰ Email of Professor Paul Heywood to Professor Sarah O'Hara on 18 October 2009 at 12.30.

I asked the Exams Officer to attend my disciplinary hearing as a witness. I wanted to ask her why she had read the dissertation; why she felt she had to deny having done so, and why she had asked to see both of the internal markers' comments. On the day of the hearing, though, she did not turn up. Professor O'Hara, running the hearing, did not think that this was problem. And although the Exam Officer's absence was discussed there is, in fact, no mention of any such discussions in the notes of the hearing taken by the Human Resources representative.

At this disciplinary, I also quizzed the Dean as to why the Exams Officer would be reading MA dissertations (and both copies!). She said that she saw no problem with this. I thought that this was very dubious, and it would still, moreover, not explain why the Exams Officer had initially lied about having done so. I got into trouble with Professor O'Hara at this point in my hearing as she said I could not continue to put these points about the Exams Officer as she was not present to defend herself. 'She's not here to answer that question', said Professor O'Hara. This I found to be very convenient.³⁴¹

My ire was increased when I later saw email traffic between members of the School of Politics and the university hierarchy in relation to their 'watch' over Sabir's progress in his, at this time, MA studies. In September 2008, more than three months before Sabir's dissertation was completed and marked, Stephen Dudderidge (Director of Student Operations and Support), asked for 'an update on his position' from the School Manager of the School of Politics (she who had suggested to Professor Heywood that my reading lists needed 'controlling').³⁴² He duly received it. The next day Dudderidge emailed three men, the Registrar, the Head of Security and the Director of Academic Services (a.k.a. the Data Protection Officer) to tell them that a member of the School's administrative staff would 'keep me posted on his progress'.³⁴³ (Again, what business Sabir's progress was to these people is anyone's guess.) Dudderidge also tells these three that, 'If he [Sabir] submits on time, Politics [School of] will arrange for his marks to be considered by the external examiners'.³⁴⁴ This I found to be remarkable. The university's Quality Manual lays down clearly when any student's piece of work should be despatched to any external examiner. It is to be sent off if there is a dispute between the two internal markers; if the work is borderline between classifications, or if it is in the 'Fail' or 'Distinction' categories. Work might also be sent as part of an already-marked sample of work. But there is no stipulation in regulations at all that might cover a student's work being lined up to be sent to an external *before* he/she has even finished it. No-one would have a clue what marks Sabir would get, and thus no-one would know if his work needed to go to an external. I did not understand. Moreover, it is not just 'an external' that was being 'arranged' here; it is plural - 'the externals'.

Again the question might be asked as to why Sabir was being treated differently? Why could 'Politics' have not just left the situation to the two internal markers? Or was it that the two internal markers could not be trusted? Was it presumed, because this dissertation would be marked by both myself and (it was thought) by another lecturer who had also come out publicly to support Sabir after his arrest, that we would be partial? But, again, I

³⁴¹ Transcript of disciplinary hearing of 6 November 2009.

³⁴² Email of School of Politics Office Manager to Stephen Dudderidge on 23 September at 21.24.

³⁴³ Email of Stephen Dudderidge to Paul Greatrix (Registrar), Gary Stevens (Head of Security) and Robert Dowling (Director of Academic Services) on 24 September at 14.32.

³⁴⁴ Ibid.

go back to my point that the second internal marker of Sabir's dissertation had not even been appointed when Sabir's had been arrested. And *she* had given it the higher mark. And this mark of 75 *was* also in keeping with his capabilities; it was not an isolated 'distinction' mark.

So here we have a case where the Exams Officer, a known confidante of the Head of the School of Politics, had sent the dissertation first to a pre-arranged external who should not, given Trent's 'status', really have been chosen as an external. This dissertation mark was changed despite the two internals agreeing – this contravened university regulations. Sabir's dissertation was then sent to a second external to circumvent any appeals process. And when Sabir asked, under DPA legislation, to view the complete communications' traffic between the Exams Officer and the two externals he was told there was no such email traffic held by either Trent, or by the home university of the second external, the University of Southampton. All that Sabir had was an email sent by the Exams Officer asking the first external for his comments in electronic form (he had originally sent them by post); this examiner's email reply with the comments attached; an email from the Exams Officer thanking the first external, and one other email with the second external's comments. That was it. So all of this 'arranging' - to use Dudderidge's word - of a very unusual situation had occurred with next to no letters/notes/email traffic. Sabir was told that, in fact, it had all occurred purely using 'compliments slips', which have since been thrown away. Again, this seems remarkable. The university and the School of Politics knew the delicacy of the issue of dealing with Sabir and should have made sure that everything was clearly above-board, and have provided a supporting paper-trail a mile long and two feet high. Instead, there is next to nothing.

There are two postscripts here. The first comes out of my disciplinary hearing (that of November 2009). In the 'verdict' she passed down on me, Professor Sarah O'Hara wrote that in regard to the marking of Sabir's dissertation: 'I found no evidence of malpractice, noting that the School had followed procedures and precedents, having first sought advice from the University administration before a second external adviser's mark was obtained'.³⁴⁵ Firstly, the School had *not* 'followed procedures'. It had driven a coach-and-horses through both university regulations and those of other regulatory bodies. And just what 'precedent' was being followed? I was not aware of any other students in the School who had been falsely arrested on terrorism charges and who had then submitted an MA dissertation. But by far the most concerning aspect of this statement of Professor O'Hara's is that she is referring to 'advice sought' by the School. Well, what 'advice', and from whom? No email evidence has been released of the seeking of advice by the School, or the giving of it by the 'administration' in relation to Sabir's dissertation. Why the secrecy? And surely, if this had been sent up the chain, then this 'second external adviser' and/or the university would have provided some evidence of the communications traffic that would be telling him why he was needed as a 'second adviser'? But there is nothing. Why the secrecy?

The second postscript here concerns the machinations within the School of Politics (and I apologise for sounding a bit like Hercule Poirot in this section). The Exams Officer received the comments from the second external in an email at 09.54 on 21

³⁴⁵ Letter constituting 'Formal Oral Warning' sent by Professor Sarah O'Hara to author, 12 November 2009, p.2.

January 2009.³⁴⁶ But the evening before (20 January at 20.34) she emailed the first external to say ‘thank you’ for his comments. She adds, ‘FYI the other external examiner is in agreement with your assessment’.³⁴⁷ But she only came to receive the second external’s comments by email the next day, 21 January. So how does she know the day before that this second external will ‘concur’ with the first external’s view? She must have received some other communication from the second external before his email of the morning of 21 January. So where is this communication? External examiners would surely not be ringing up to pass on their comments? Again, the paper trail should be everything with this case. Moreover, why would the Exams Officer be telling the first external about the fact that there actually is a *second* external in such an offhand manner?: i.e. ‘the ‘second marker is in agreement with your assessment’. It is as if this happens every day; as if every dissertation gets sent to *two* externals. But having two externals for a piece of work has to be extremely rare. Why is she not saying something like ‘FYI we also got another external involved and he concurs, etc, etc’?

This second external also says at the end of his one short email delivering his comments to the Exams Officer that: ‘I hope these comments aid your deliberations’. Well, how does he know about any ‘deliberations’? Where is the communication traffic to show that the Exams Officer was engaged in any ‘deliberations’? Something is missing here.

And, crucially, why was this second external sent the first examiner’s comments? He could only ‘concur’ with them if he had seen them. Indeed, in his one email he mentions the name of this first external. Why was it that, in a much fairer process, internal marking of dissertations is always carried out by markers independently of each other who then meet to discuss and to agree on a final mark? This is done to ensure fairness in marking. But a different process took place with these two externals. Why does the second external marker see the first marker’s comments and *then* make a decision? Surely the system should be that they both independently send their comments to the Exams Officer who then takes the situation further as necessary?

In the marking of Rizwaan Sabir’s dissertation, as with an enormous range of activities carried out by personnel within the University of Nottingham, there is considerable scope for doubt as to the fairness of the process. Everything, though, should have been done by the book and to the letter to prevent even the slightest hint that he was not being treated fairly. Instead, what happens? Regulations were not followed, obfuscation engaged in, paper-trails not created, and appeals not permitted – even when there were *prima facie* grounds for an appeal. Virtually every aspect of the marking of Rizwaan Sabir’s MA dissertation went against written university guidelines. Why? Such guidelines are in place so that a duty of care can be guaranteed. Just where was this duty of care that the School of Politics and the University of Nottingham were legally obliged to fulfil in regard to this student? It bears repeating: the failure to provide a duty of care is a crime.

Of course, there may be reasonable explanations for all that I have related here in regard to the marking of Sabir’s dissertation. And I accept that I may be wrong to have my doubts. But what happened with this issue has to be put into the context provided by

³⁴⁶ Email of [name redacted – but second external examiner] to Exams Officer on 21 January at 09.54.

³⁴⁷ Email of Exams Officer to [name redacted – but first external] on 20 January 2009 at 20.34.

the university's overall behaviour towards this student. And, when looked at in this light, it does not look good.

And it was not just myself who thought that there was something not quite right about this whole marking process. To his credit,³⁴⁸ Stephen Dudderidge, the Director of Student Operations and Support, emails the Registrar to say: 'Might be worth checking exactly what they [Politics] did re the External Examiner and re-considering the dissertation. If that has been done to our satisfaction then we can state with confidence that the School has been thorough'.³⁴⁹

But what is clear here is that Dudderidge – whose job was 'student support' – was not in the loop. There was another process going on that he seems not to be aware of. This involved another Pro-Vice Chancellor, David Riley. In an email she once sent to me, and to cover her own back, the Exams Officer had told me of the involvement in the process of the marking of Sabir's dissertation of, quote, 'the PVC' (meaning Professor Riley). The Dean, Professor O'Hara, also made allusion in her disciplinary-hearing verdict (mentioned above) to seeking 'advice from the University administration before a second external adviser's mark was obtained'.³⁵⁰ What had happened was that Professor Heywood had gone to the Registrar to ask for advice on what to do about the external dropping the mark. The Registrar then involved David Riley, the PVC for Learning. But why involve a PVC in the marking of a student's dissertation? Where is the 'precedent' or 'procedure' for this? And why does the man responsible for 'student support' in the university - Dudderidge - not know about it?

Thus we have a situation here where the original internal markers of Sabir's work were not consulted by Professor Heywood as to why they had marked in the way that they had - yet then the Registrar and a PVC do become involved? Secondly, apart from the Exams Officer's email, and the allusion by Professor O'Hara to Professor Riley's involvement, there is absolutely nothing at all to indicate that the Registrar or Professor Riley were involved in any way in the whole situation in regard to the marking of Sabir's dissertation. No email traffic at all has been released related to this very sensitive matter. Why? What does the university have to hide?

Other issues

This dissertation result was not the only poor mark that Sabir received. He had obtained the abovementioned essay mark of 75 per cent for 'Theories and Concepts in International Relations'. However, the lecturer (Dr Christopher Hill) who gave him this mark left the university mid-course. He had, though, set the exam before leaving. His students took this exam and Sabir, like many of the students on this course, answered the exam questions in line with what they took to be the thinking of their departed lecturer. But the scripts were marked by other academic staff; some of whom took a different view to Dr Hill. Sabir received a mark of just 11 per cent for this exam. Thus he had, in one element of the course, obtained an essay mark of 75, but gained only 11 per cent in the other. Any university will tell you that to receive such a disparity in marks between one element and the other would be well-nigh unique. But Sabir still had to accept the overall

³⁴⁸ This is the only credit-worthy act that I could find conducted by anyone on Management Board in regard to this whole situation.

³⁴⁹ Stephen Dudderidge to Registrar, Paul Greatrix on 27 February 2009 at 11.08.

³⁵⁰ Letter to author from Professor O'Hara constituting 'Formal Oral Warning', 19 November 2009..

mark of 43 per cent for this course. This one mark, along with the drop in the dissertation result from 75 to 62 brought Sabir's overall MA result down to 58.3 per cent. This final mark was arrived at after the final part of his MA - a portfolio and presentation - was examined by two internal markers with no input from externals.³⁵¹

The fact that Sabir did not reach the 60 per cent barrier meant that he could not progress to do the PhD within the School. Another 0.2 per cent would have brought him up to a mark that would have been rounded up to 59 per cent. This could then, in turn, have been rounded up to 60. So a student - whose father was a car mechanic; who was from an ethnic minority; who had gone to a local comprehensive in Nottingham; who had been arrested during his course because of a foul-up by his own university; who had had his dissertation mark brought down by 13 per cent in a fashion that lacked clarity, and who had another mark drastically affected through no fault of his own - was not allowed to compensate for an extra 0.2 per cent! I have been present in exam boards in the School of Politics when compensations far greater than 0.2 per cent had been accorded to students who were the odd mark shy of higher classifications – and these were students, moreover, who had far less reason to be allowed to compensate than did Rizwaan Sabir.

It is worth mentioning here an email sent by the Deputy Head of School, Dr Mathew Humphrey to Professor Philip Cowley (who later himself became Deputy Head of School). This was sent on 24 February 2009, and literally an hour or so after Sabir's portfolio and presentation had been assessed (his final piece of work):

One piece of confidential gossip – looks like Rizwan [sic] Sabir has bombed on his Portfolio Assessment (scraped a pass) and won't get the mark he needs to be admitted to the PhD.³⁵²

So the 'gossip' is that Sabir has 'bombed'? This is hardly the professional language that bespeaks of a School discharging its duty of care. And how does Dr Humphrey know that Sabir will not 'get the mark he needs to be admitted to the PhD'? The person whose job it would normally be to work out a student's overall mark – a member of the administrative staff – had already gone home by the time Sabir finished this last piece of work. Some academic had, within a few minutes of his final piece of work, worked out that he was shy of the 60 per cent barrier. And, rather remarkably, just 0.2 per cent shy of it. This was 'different'. And then this mark had been passed on within a few minutes to other academic staff. Why? Why did *this* student's mark need to be passed on so quickly? And Dr Humphrey cannot be saying that Sabir would definitely not be able to do the PhD because the decision is not his to make. Committees or exam boards would have to meet to decide such things – especially given Sabir's 'history' and his proximity to the 60 per cent barrier. Sabir's fate was not Dr Humphrey's to decide. It was wrong that my student was treated in this way.

The news is passed on

But a decision was made a few days later at a meeting of the School of Politics' Strategy and Resources Committee. This committee did not contain any of the School's rebel/pinko elements. Professor Heywood, the Head of School, then emailed a

³⁵¹ Dr Sue Pryce and Professor Stefan Wolff.

³⁵² Sent by iPhone from Dr Mathew Humphrey to Professor Philip Cowley on 24 February 2009 at 17.29.

remarkable panoply of ‘interested’ actors to tell them that Sabir would not now be staying at the university to begin his PhD. On 27 February 2009, he wrote to the new Vice-Chancellor, David Greenaway, the Registrar, Paul Greatrix, and the pro-vice-chancellors, Stephen Dudderidge, David Riley, Christopher Rudd, and to the Dean, Sarah O’Hara. The first question here is: why would all these people want to know whether one individual student was going to remain at the university or not? And why would Professor Heywood think that they would care? This was different. Helpfully, and in case he felt left out, Gary Stevens, the Head of Security, was also later emailed Professor Heywood’s news by Stephen Dudderidge.³⁵³ Professor Heywood had written:

Mr Sabir has now completed all the elements of his MA, and his final result is 58.3 – too low to round up to 59, which could in turn allow for compensation under our regulations. Having discussed the issue with senior colleagues in Strategy and Resources Committee, we are of the view that we must be consistent in the application of our standards. Since Mr Sabir has failed to meet the criteria for entry, we therefore propose to inform him that he will not be awarded a place on our PhD programme. I have made enquiries, and I am confident that Mr Sabir’s work has been assessed appropriately and that he has been given ample allowance to compensate for the disruption to his studies.³⁵⁴

So Professor Heywood was confident that ‘Mr Sabir’s work had been assessed appropriately’? So he makes himself responsible for what went on in regard to that particular issue? So he had checked and approved, one assumes, the case of the marking of Sabir’s dissertation. He did not, though, appear to have ‘checked’ the fact that university regulations had not been followed; that three different sets of marking criteria had been involved, or that there was a mistake on one of them – the crucial one. He had also not ‘made enquiries’ that involved either of the two original internal markers of the dissertation or the Dissertation Convenor: he never so much as spoke to any of these three people at all about the matter. And was Sabir really given ‘ample opportunity to compensate’ when he could not even appeal against his dissertation mark or, indeed, the fact that one of his lecturers had left the university leaving someone else to give him the exam mark of 11 per cent? Did these ‘enquiries’ really amount to a statutory duty of care?

This meeting of Strategy and Resources where Sabir’s fate was decided was held on 27 February 2009. But, as we know, the deputy head, Dr Humphrey, had already emailed Professor Cowley (both men being on the Strategy and Resources committee) on 24 February to say that Sabir ‘won’t get the mark he needs to be admitted to the PhD’. He thinks it is a done deal. But this decision was that of the Strategy and Resources Committee to make. It should not have been not ‘pre-judged’ in this way.

Professor Cowley had written back to Dr Humphrey later on 24 February to note in regard to Sabir’s failure to get on the PhD programme [the email in full]: ‘No doubt

³⁵³ Email of Stephen Dudderidge to Gary Stevens on 3 March 2009 at 08.16.

³⁵⁴ Email of Professor Paul Heywood to Professor David Greenaway, Dr Paul Greatrix, Stephen Dudderidge, Professor David Riley, Professor Christopher Rudd, Professor Sarah O’Hara on 27 February 2009 at 10.05.

that'll also be seen as a conspiracy...³⁵⁵ Dr Humphrey replies: 'My view would be he gets treated the same as everyone else'.³⁵⁶ Yes, he should. But if he was being treated the 'same as everyone else' then Rizwaan Sabir would not be having his studies monitored by a large cross-section of the hierarchy; he would not be being dealt with as, quote, a 'suspect', and his School would not be treating him in a quite unique way. And, of course, if he had been treated the 'same as everyone else' then he would not have been arrested in the first place. Sabir was most decidedly not being treated 'the same as everyone else'. Just about everything about the way in which Rizwaan Sabir was treated by the University of Nottingham was 'different'.

Later in the above email that Professor Heywood had sent to the Vice-Chancellor and the rest of the university's top brass, he also criticises those in the School of Politics responsible for previously awarding Sabir a fee-waiver for his (supposed) upcoming PhD studies. 'In their wisdom', he says, 'colleagues in the School had also offered a fee waiver'.³⁵⁷ The phrase 'in their wisdom' would appear to imply that Professor Heywood did not approve. Why? And how does he think he can get away with using such a phrase in a communication to this assemblage of the university's great and good? Perhaps he knows his audience will be sympathetic to his annoyance that a fee-waiver was offered? Certainly, there is no evidence that Professor Heywood was chastised by anyone in the hierarchy for making such an inappropriate comment.

It is also obvious from other evidence that Professor Heywood was not happy with the award of a fee-waiver to Sabir. Back in September 2008 he had asked the Office Manager to email a professor in the School who would help explain how this award had come about:

Paul [Heywood] would like all paperwork for the above in relation to his [Sabir's] funding support...what procedures were followed, how decisions were made etc. So if you could let me have what you've got asap I would be very grateful.³⁵⁸

Why would the award of a PhD fee waiver to Sabir back in September 2008 have led to such a desperate need for answers? Who had asked for this? People only do things 'asap' when the squeeze has been put. So just who was putting the pressure on Professor Heywood? (We can perhaps see why he was using the phrase 'in their wisdom' in the above email to the hierarchy – basically he was saying 'it's not my fault'.)

And, as a final postscript to this section, it would appear that Sabir *was* being discriminated against. Professor Heywood's above email to the hierarchy in which he said that Sabir had gained a final mark of only 58.3, included the phrase: 'we are of the view that we must be consistent in the application of our standards'. And his deputy, Dr Humphrey, had said: 'My view would be he gets treated the same as everyone else'. But in August 2010 a student was accepted onto a PhD programme in the School of Politics

³⁵⁵ Sent by iPhone from Professor Philip Cowley to Dr Mathew Humphrey on 24 February at 20.19.

³⁵⁶ Sent by iPhone from Dr Mathew Humphrey to Professor Philip Cowley on 24 February 2009 at 20.40.

³⁵⁷ Email of Professor Paul Heywood to Professor David Greenaway, Dr Paul Greatrix, Stephen Dudderidge, Professor David Riley, Professor Christopher Rudd, Professor Sarah O'Hara on 27 February 2009 at 10.05.

³⁵⁸ Email of School of Politics Office Manager to Dr Steven Fielding on 18 September 2008 at 13.55.

having gained a School of Politics MA final mark that was *less* than Sabir's 58.3 per cent.³⁵⁹ From just this one example it is clear that a dual standard *was* apparent in the School of Politics' leadership. Sabir *had* been treated differently. This School had *not* been 'consistent in the application of [its] standards'.

Fair treatment?

The Exams Officer later emailed me to put her position after I had made my public complaints to the whole School about the treatment that Sabir had been subject to in the School of Politics. In relation to the dissertation marking, she wrote:

We know we paid due care and attention to this process. However I am concerned that Rizwaan may feel that he was treated unfairly as a result of your misreading of events...I am sorry you think the rules are farcical but they are there for a reason – precisely so that people are treated fairly.³⁶⁰

This, though, was what I had wanted. I wanted the rules to be followed. They had not been. And here the Exams Officer talks about Sabir being 'treated fairly'. On the very same day, however, she emails Professors Heywood, Cowley, Fielding and Dr Humphrey (from the School of Politics), and those 'friends' of the School of Politics, the authors of the *Academic Freedom and the University of Nottingham* booklet - Dr Macdonald Daly (Modern Languages) and Dr Sean Matthews (School of English). In this email she discusses Sabir's involvement in the 'West Bank Wall' incident. She writes that this 'arrest had a lot to do with Rizwaan being arsey'. Using, as I have said before, such a phrase as 'being arsey' might, in itself, be seen as not treating someone 'fairly'.³⁶¹ It is also later in this same day that Professor Fielding adds, to the same audience as above, his comment about the incident where Sabir, having been arrested at the West Bank Wall incident, 'really got what he deserved on that one'.³⁶²

Further evidence of just what Sabir had been up against in terms of moving from the MA and on to the PhD programme comes with the overall attitude of both the Exams Officer, Dr Eadie, and the Deputy Head of School, Dr Humphrey. As will be recalled, the former had not only distributed Daly and Matthews' booklet around the School but she had also written to the *THE* to say that it was 'an unbiased account of the Nottingham arrests'.³⁶³ She also pointedly answered a critic, who was gainsaying what Daly and Matthews had written, by advising, 'Try reading the book'.³⁶⁴ Dr Humphrey had likewise written to a publisher to say 'The most detailed account yet published of the Sabir case

³⁵⁹ Letter of Dr Mathew Humphrey to [name redacted – but a student who was applying for a PhD] dated 12 August 2010.

³⁶⁰ Email of Dr Pauline Eadie to author on 7 July 2009 at 09.41.

³⁶¹ Email of Dr Pauline Eadie to Professor Paul Heywood, Professor Philip Cowley, Professor Steven Fielding, Dr Mathew Humphrey, Dr David Stevens, Dr Macdonald Daly, Dr Sean Matthews on 7 July 2009 at 17.58.

³⁶² Email of Dr Steven Fielding to Professor Paul Heywood, Professor Philip Cowley, Dr Mathew Humphrey, Dr David Stevens, Dr Pauline Eadie, Dr Macdonald Daly, Dr Sean Matthews on 7 July 2009 at 17.21.

³⁶³ Letter of Dr Pauline Eadie to *THE* 25 June 2009.

³⁶⁴ Comment of Dr Pauline Eadie to *THE*, 29 June 2009. Taken from 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

can be found' in this booklet.³⁶⁵ Both of these academics provided a link to where the booklet could be found.

But we know that Daly and Matthews had written a booklet that was, however obliquely, basically making out that Sabir and Yezza were involved in terrorism. We also know that Daly had said that the 'statement that Sabir's arrest was wrongful is simply without foundation. An arrest is not wrongful because it does not lead to a charge. Sabir was quite legally arrested'.³⁶⁶ We are aware too that Dr Matthews had written that Sabir and Yezza 'were in possession of terrorist documents'.³⁶⁷ If these two members of staff in the School of Politics - the Exams Officer and the Deputy Head - actually believed that the authors' account was so praiseworthy and their views so worthy of attention then they must also have believed that Sabir was, however obliquely, involved in 'terrorism'. But if these two academics had gone to print at all then they should have been writing to all and sundry to defend *their* student from the unfounded accusations being raised in this booklet and elsewhere by Daly and Matthews. They should have been criticising their work, not praising it. So, if this was their attitude, can they really have been neutral in their judgement of Sabir? Can they really have been treating him 'fairly'? When the Exams Officer refused Sabir a right of appeal against his dissertation mark was she being influenced in any way by the fact that she thought he had been involved in 'terrorism'? And when Dr Humphrey made a decision on Strategy and Resources committee not to allow Sabir to compensate for his low marks was he in any way influenced by the fact that he thought he had been involved in 'terrorism'?

So how could a duty of care have been discharged to Sabir in the School of Politics if these two important members - the Exams Officer and Deputy Head - were so clearly of the view that he had something to answer for? And they had both, it must be remembered, been energised enough about the situation to become proactive and to go public with their thoughts. To display such energy they must have been true believers. But they should, of course, have recused themselves from any such engagement in detrimental public statements in regard to a student who was still in their 'care' at this time. It just seems completely bizarre that they would undermine one of their own students in such a manner.

If Rizwaan Sabir was to be 'treated the same as everyone else' then perhaps those standing in judgement of him should not be making public how they feel about him. And, moreover, the collusion between members of the School of Politics and Daly and Matthews, the two authors of the salacious and defamatory booklet, cannot in any way be seen as acceptable.

Dr Daly's oversight role

³⁶⁵ Email of Dr Mathew Humphrey to [name redacted] publisher on 8 July 2009 at 13.03.

³⁶⁶ Dr Macdonald Daly, comment sent to *THE* website, 29 June 2009. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

³⁶⁷ Dr Sean Matthews in comment to *THE*, 28 June 2009. Taken from Teaching about Terrorism website. Entry of 15 July 2009, 'Nottingham: "Reading lists inspected for capacity to incite violence"', at <http://www.teachingterrorism.net/2009/07/15/nottingham-reading-lists-inspected-for-capacity-to-incite-violence>

It is also worthwhile recording here what Dr Daly once emailed the Registrar to say. In his seeming capacity as the School of Modern Languages' junior lecturer with oversight responsibility for students in the School of Politics, Daly tells the Registrar in a heavily redacted email:

[Introduction redacted] Apparently Rod Thornton [ed. i.e. the author] gave the printed document about the exercise to one of his seminar groups: the leak is therefore likely to be a student [ed. I have absolutely no idea what Dr Daly is talking about here]. Talk about the tail wagging the dog. The problem in Politics is now about three or four people: I think the majority of members of that School have had just about enough of being called racist and reactionary by them because they think Sabir's work deserves mediocre marks and that being arrested is not the basis for writing a Masters dissertation. Never mind a Ph.D thesis.³⁶⁸

Firstly, I certainly do not recall anyone in my School being 'called racist or reactionary' by anyone. But, more importantly, is this really what 'they' think? That Sabir *does* 'deserve mediocre marks'. The staff in the School of Politics that Dr Daly has been in email contact with - Professor Heywood, Dr Humphrey, Professor Cowley, Professor Fielding and the Exams Officer – did *they* 'think [that] Sabir's work deserved *mediocre* marks'? Is that what one or more of these people told Dr Daly? So we have evidence here – it would seem – that Daly has been told that Sabir deserves 'mediocre' marks. But not one of the staff listed above marked anything of Sabir's during his MA degree in the School of Politics. So they would have no idea about the standard of his work. How would they know he 'deserved mediocre marks'? His marks came about (with most being completed before he was arrested) as a result of normal processes and were produced by a range of staff across the School of Politics, and even beyond it. It will be recalled that Sabir's essay mark of 75 per cent was gained before he had been granted the 'benefit' of having been arrested. So how does Dr Daly explain that?

The only piece of work that could have been seen by one of the above School of Politics members was the dissertation (both internal markers' copies having been apparently 'read'). And Daly does talk about the 'dissertation' specifically. So it would appear that some members of the School had told Daly that Sabir's dissertation 'deserves mediocre marks'. That does not seem quite right, particularly when the mark was dropped by 13 per cent.

And, it must be asked once more here, just why is a junior lecturer from one School emailing the Registrar to discuss issues in another School? Is this the same Dr Daly who once wrote to say, in regard to himself and Dr Matthews, that 'anyone who knows us on campus will know that we are not in the pockets of management'?³⁶⁹

Sabir, moreover, was taking a difficult MA – the Research Track one. Very few students get really high marks on this. And he did not get 'mediocre' marks when he was at Manchester Metropolitan University. He also managed to achieve good marks there without the 'benefit' of being, quote, 'arrested'. And it should be pointed out that Daly, in

³⁶⁸ Email of Dr Macdonald Daly to Registrar, Dr Paul Greatrix on 26 June 2009 at 18.28.

³⁶⁹ Greenwell, 'Terror probe sparks schism'.

his email to the Registrar, is not adding that Sabir was released without charge. Being *wrongly* ‘arrested’ because of university incompetence does not tar anyone.

It may also be worth mentioning that Dr Matthews (School of English) also emailed the Registrar in September 2008 with an offer to supervise Sabir’s MA dissertation in the School of Politics!³⁷⁰ That would have been amusing.

Promotions

Loyalty was rewarded. This year, 2011, has seen Professor Sarah O’Hara promoted to pro-vice chancellor level, and Professor Paul Heywood will move up to replace her as Dean of the School of Social Sciences. Two lecturers in the School of Politics who wrote to the *THE* expressing support for the actions taken by both the School and by university management were promoted, one to become a professor (Steven Fielding). No lecturers who objected to the behaviour of the School/university, or even those who tried to stay neutral, have been promoted within the School of Politics. I myself came to be castigated, using the new term of abuse now prevalent in universities, as being ‘uncollegial’. As I write I am about to face my seventh disciplinary hearing. Others in the School who did not follow the orthodoxy were deemed to be, quote, ‘lacking in academic leadership’ or, as I say, lacking in ‘honesty and integrity’. Those who stood up against the groupthink had seemingly become the equivalent of the ‘wreckers’ and ‘splittists’ of yore.

³⁷⁰ Email of Dr Sean Matthews to Registrar, Dr Paul Greatrix on 4 September 2008 at 12.10.